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**THE**  
**SOUTHERN REVIEW.**

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**VOL. VIII.**

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**NOV. 1831 & FEB. 1832.**

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**CHARLESTON:**  
**PRINTED AND PUBLISHED BY A. E. MILLER,**  
**FOR THE PROPRIETORS.**  
**1832.**

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# SOUTHERN REVIEW.

NO. XV.

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NOVEMBER, 1831.

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- 8.** *Review of the Report of the Committee of Ways and Means, of 13th April, 1830, in relation to the Bank of the United States. By AUGUSTIN S. CLAYTON, Judge of the Western District of the State of Georgia. Milledgeville. 1830.*
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9. *Speech of Mr. BENTON, of Missouri, in the Senate, on 2d of February, 1831, against renewing the Charter of the Bank of the United States.* Washington.

10. *Mr. JEFFERSON's objections to the Bank of the United States.* Works, Vol. IV. p. 523, &c.

THE preceding list contains every thing material that has hitherto been submitted from the public press, on the very important questions, relating to the renewal of the charter of the United States' Bank. The first six of these publications, of which the second, fourth, fifth and sixth, have been widely circulated and distributed, are in support of the renewal of the charter—the last four are opposed to it.

On the 3d of March, 1816, the present Bank was chartered; on the 1st of January, 1817, it went into operation; on the 3d of March, 1836, the charter will expire. It has now about four years to continue, before it must be renewed, or cease to exist in its present form. This is a period quite short enough to admit of the necessary discussions relating to the policy that must then be adopted; and the public interest requires, that all the views of which this interesting subject admits, should be presented to the public, and become familiar before the day of final legislation.

We have carefully perused the tracts enumerated in the foregoing catalogue, and are desirous of laying before the readers of the *Southern Review*, the conclusions that have been forced on us by that perusal, with the arguments that tend to support them; for these we shall be, in a great measure, indebted to the publications now under review; but the wider the leading ideas are disseminated, and the more familiar the public become with the strong features of the question, the more likely will our legislators be to consult effectually the public interest, when the day of decision arrives.

The objections to the present Bank of the United States, are,

1st. That it is unconstitutional. To which the reply is, that the constitutional question has been long settled, as it ought to be, in favour of the Bank charter.

2dly. That such an institution was not absolutely necessary at the time when it was first incorporated, viz: March, 1816. To this, the reply is, that the notorious circumstances of that day, rendered such an institution absolutely necessary.

3dly. That its influence is dangerous. To which it is replied, that no danger, but much benefit, has resulted from its influence.

4thly. That it interferes with the fair claims of States, and of State Banks. To this it is replied, that it has interfered no further than the want of a wholesome currency, and the interest of the public, will fully justify.

5thly. That some modification of the present Bank, with diminished influence, or some substitute in lieu of it, is imperiously called for. The advocates of the Bank deny that any privileges have been given it, but what are necessary and proper to the performance of its useful functions; nor can any substitute be adopted, from which more benefit and less danger is to be apprehended.

We propose to take up these issues separately, and to state the prominent facts and arguments on each side.

The tracts in favour of the renewal of the Bank charter, dwell more on its utility than on its constitutionality. All of them are ably and fairly argued; those of Mr. McDuffie and Mr. Gallatin eminently so; but whether conclusively or not remains to be seen.

Opposed to the Bank, the letters of Brutus are not argumentative, but declamatory, and tell for little. The pamphlet of Judge Clayton is chiefly occupied with the question of constitutionality. It is a specimen of condensed reasoning, seldom exceeded in force and effect. The speech of Mr. Benton, dwells chiefly on the evils that have arisen, or may arise from the imprudent accumulation of power and privilege granted to that institution. It is the production of no common intellect; and although it has been treated by its opponents with something like disrespect, it is calculated to make a deep impression on the mind of every attentive reader. Indeed, if no other publications appear, the subject has been treated pro and con, most fully and ably; but as few will be at the trouble of reading all the tracts enumerated at the head of this article, something like a summary of the controversy becomes absolutely necessary. We have sat down to this investigation, with a full resolution to present a fair and impartial view of the whole question; whether we have done so satisfactorily or not, the public must judge.

The constitutionality of the Bank is advocated,

1st. Because it is necessary and proper, as an incidental power, to the efficient collection and disbursement of the debts, duties, and taxes, levied for the use of the United States, and to the distribution of the Government funds at the points where payment is wanted to be made; that it is necessary also to the regulation of the money-system of the United States, which was in great confusion at the time of the establishment of the



present Bank. This *necessity* for a Bank, was profoundly felt and acknowledged, at the time of its proposal, by all the prominent statesmen of that day, and by the wisest men of all parties. It was accordingly passed with the concurrence of Mr. Madison, Mr. Dallas, Mr. Crawford, Mr. Calhoun, &c. and the legislature of 1816.

That it was *proper* also for the purpose intended, appears, inasmuch as all the evils proposed to be remedied, and all the services expected to be rendered by this Bank, have, in fact, been remedied and rendered. That the recurrence to specie payments by all the other Banks—the substitution of a sound in lieu of an unsound currency—the regularity of the receipts and distributions of the national funds at every point, without expense to the treasury—are advantages resulting from this institution, not denied by any of its opponents.

That if this Bank be necessary and proper to the efficient collection and distribution of the revenue, it is constitutional. Nor are the words, necessary and proper, to be construed in the most strict grammatical sense that can be attached to them, but popularly, and with that reasonable latitude that fulfils their object and true intent and meaning. If, among the usual means employed and suggested, and among the incidental powers proposed, the Bank be the most apt, efficient and proper for the purposes required, the term, “necessary,” is complied with. But no other of equal efficacy was, or has been yet proposed. That although the power of erecting corporations is not among the enumerated powers granted to Congress, and therefore no corporation can be erected as being thus authorized as an original power, yet, if a corporation be necessary to carry into execution any of the original powers—if it be so necessary and proper for that purpose, that the original power cannot effectually be put in force without it—then, a corporation may be erected as an incidental power, as a necessary and proper means to the end aimed at. When the present Bank was proposed, in 1816, the absolute necessity of such a corporation was so strongly felt, that the most rigid interpreters of constitutional powers were compelled to give up their objections to the existing necessity.

2dly. It is constitutional, because, the question of its constitutionality has been long, and often, and deliberately, and even obstinately debated. It was so at the proposal of the first Bank of the United States, by Col. Hamilton, in 1790; but it received the support of the most able statesmen of that day, who had themselves been among the framers of the Constitution, and could not mistake the views and sentiments of their colleagues in Conven-

tion—General Washington, Robert Morris, Col. Hamilton, &c. Accordingly, Congress passed the act in its favour, February, 1791. An act, that implies a contemporary construction of the Constitution by the most eminent among the sages who drew it up.

3dly. It has received the sanction of repeated legislative acts and judicial decisions. It has been extended into other States with their consent. Property, to an immense amount, has been invested, and has been held under its authority. Such frequent recognition, during twenty years of the first Bank, and almost as many of the present, by a series of legislative and judicial sanctions unbroken and uncontested, cannot now be shaken by mere theoretical considerations at this late day. If they can, then can nothing be considered as stable among our institutions; no rule of property, no long adopted measure or maxim, can be out of the reach of party prejudice or popular clamour. *Interest reipublicæ ut denique sit finis litium.*

These two last are the arguments principally relied on by Mr. McDuffie and Mr. Gallatin. They were advanced and supported by Mr. Madison on giving his assent to the present Bank in 1817; in his late letter to the Editor of the North-American Review; and in his letter to Mr. Ingersoll, June 25th 1831.

4thly. Mr. Gallatin, in the 17th No. of the American Quarterly Review, argues further—that such is the imperfection of language and of human foresight, no Constitution can be drawn up, of which almost any part or any phrase may not admit of various interpretation by the efforts of human ingenuity.

Thus, during General Washington's administration, the institution of a National Bank, the appropriation to carry into effect the British treaty, the carriage tax, the proclamation of neutrality, were all opposed.

In Mr. John Adams' time, the alien and sedition laws were subjects of violent debate.

In Mr. Jefferson's administration, the repeal of the judiciary law, the embargo for an indefinite period, the purchase of Louisiana, were controverted on the ground of constitutionality.

During Mr. Madison's presidency, the United States' Bank again, the power of the Government over the militia of a State, the right of constructing roads under the authority of the Federal Government, were agitated.

In Mr. Monroe's time, the right of Congress to pass a bankrupt law, to lay protecting duties in favour of domestic manufactures, to appropriate money for the relief of the poor in the District of Columbia.

In Mr. John Quincy Adams' time, the Cherokee treaty, the nullification doctrine, the power of appointing public officers, and some others of less consequence, formed constitutional questions, with doubts yet undecided.

Add to all these legislative discussions, the many constitutional points that have arisen for judicial determination before the Supreme Court of the United States, and it will be manifest, that however ably a Constitution may be drawn up, it cannot be settled by allowing every individual, at any indefinite period of time, to put his construction upon it, or submitting it forever to the "analyzing, disputatious, captious, inquisitive, quibbling, hair-splitting spirit" of the age; but by consenting that what has been once fully debated, and deliberately settled, shall remain so, and doubt be renounced after repeated decision. Moreover, even in interpreting Constitutions, something must be allowed to reasonable discretion, as in the purchase of Louisiana; something like Gen. Jackson's attacking the Seminoles in Spanish Florida, and the proceedings of Commodore Porter in Cuba. A reasonable construction of the words and phrases, such as will be in accordance with the spirit of the Constitution, and fairly and substantially fulfil what is required by that instrument, is the only manly, common-sense interpretation, calculated to preserve it, and produce a lasting and salutary effect on the public mind.

To the first of these apologies for the United States' Bank, that though a corporation, it is necessary and proper as an incidental power to carry into effect express and enumerated powers, it is replied :

(*a*) No corporation whatever can be erected by Congress for any purpose general or special. Because, in the Convention, the power of instituting corporations, *generally*, was repeatedly brought forward, discussed and rejected : then the power of granting charters of incorporation was proposed in cases where the public good may require them, and the authority of a single State may be incompetent.\* This also was rejected.

"March 11, 1798. Baldwin mentions at table the following fact : When the Bank bill was under discussion in the House of Representatives, Judge Wilson came in, and was standing by Baldwin, who reminded him of the following fact which passed in the grand Convention. Among the enumerated powers given to Congress, was one to erect corporations. It was, on debate, struck out. Several particular powers were then proposed. Among others, Robert Morris proposed to give Congress

\* Journal of Acts and Proceedings of the Convention, p. 260.

'a power to establish a *National Bank*. Gouverneur Morris opposed it; observing, that it was extremely doubtful whether the Constitution they were framing, could ever be passed at all by the people of America; that to give it its best chance, however, they should make it as palatable as possible, and put nothing into it not very essential, that might raise up enemies; that his colleague (Robert Morris) well knew that a Bank was in their State (Pennsylvania) the very watch-word of a party; that a *Bank* had been the great bone of contention between the two parties of the State, from the establishment of their Constitution, having been erected, put down, and erected again, as either party predominated; that, therefore, to insert this power, would instantly enlist against the whole instrument the whole of the Anti-Bank party of Pennsylvania. Whereupon, it was rejected, as was every other special power, except that of giving copy rights to authors, and patents to inventors; the general power of incorporating being whittled down to this shred. Wilson agreed to the fact."\*—*Jefferson's Works*, vol. iv. p. 506.

The power of erecting corporations *generally* was proposed in Convention, and rejected.—*Journals*, p. 260.

The same power was proposed *speciully*, and rejected.—*Ib.*

\* The two parties alluded to, were known by their modern names about the time of the Convention, or soon after, and denominated *Federalists* and *Anti-Federalists*; and they have ever since been known by these appellations. The characteristics of the two parties from the very beginning, was, what it has continued to be to the present day, still is, and probably ever will be.

The *Federalists* are those who strive to extend the power and authority of the Federal or General Government, and for this purpose, to stretch the phrases of the Constitution, by all means of plausible construction and implication; and to lessen the power and authority of the State Governments, so as to reduce them to subordinate municipalities under the control of one powerful, consolidated General Government. This party is, of course, in favour of incorporations, of banks, of implied powers, of protecting duties, of internal improvements, of the American System, and of all kinds of unauthorized appropriations for charities and seminaries; unauthorized, that is, by any express enumeration in the Constitution. For all these governmental intermeddlings tend to render our Government, one and indivisible, and consolidated; approaching to the dazzling character of the great monarchies of Europe.

The *Anti-Federalists*, dreading any approach to consolidation as being in effect an approach to monarchy and despotism, have been always opposed to latitudinarian interpretation; to any implied and constructive extension of the authority of the General Government; and desirous of confining it within the strict limits of the powers enumerated and expressed in the Constitution; construing the incidental powers, to mean those only, which are not merely *proper* and *useful*, but obviously *necessary* to carry into execution the enumerated powers, and not to be extended beyond that necessity. This party is, of course, opposed to the Bank of the United States, and many of them to banks generally. It was by the preponderance of the Federal party, that the first Bank of the United States was carried; and General Washington was won over, slowly and reluctantly. For a description of the parties in Convention, see *Luther Martin's Speech* prefixed to *Yates' Secret Proceedings and Debates*, p. 20.

A proposition was made to authorize Congress to open canals, and an amendatory one, to empower them to incorporate for this purpose. But the whole was rejected, and one of the reasons of rejection urged in the debate, was that they would, in such case, have a power to *erect a Bank*; which would render the great cities where there existed prejudices and jealousies on the subject, adverse to the reception of the Constitution.—*Jefferson's Works*, vol. iv. p. 525. *Journ. of the Conv.* pp. 375–6.

The Convention, then, having refused to grant the power of incorporating under every form in which it was proposed—having rejected as *an end*, what is now claimed as *a means*—the friends of an incorporated Bank hardly daring even to propose such an incorporation—with what reasonable pretence can the constitutionality of this measure be now argued? Can it be possible, that the advocates of a Bank should persuade themselves that this power is deducible from a Convention, wherein powers of incorporation were so obstinately refused and rejected, and wherein a Bank was deemed too obnoxious for its friends even to venture to propose it—so obnoxious, that if it were inserted, the reception of the whole Constitution would have been endangered? But it was proposed and rejected.

These considerations appear to furnish an answer to the first argument in support of the constitutionality of the Bank, absolutely conclusive. It is in the words of Montesquieu, "*Reponse sans replique.*"

To these arguments may be added another, by no means sufficiently considered in this country. This is a confederated republic; the pervading principle is equality; equality of rights, equality of privileges, equality of burthens. Every Corporation is a monopoly, more or less valuable. It confers on some citizens, desirable privileges that others are not entitled to. What right have the representatives of a Republican people, whether in Convention, or in any other meeting or assembly, to create among our citizens any inequality whatever, as to rights or privileges, or to authorize its being done?

Oh! but it is paid for; the United States receive a premium, a bonus, a consideration!

We deny that the people can receive any thing like an equivalent for consenting to the principle of inequality. Nothing can be a remuneration; no money can pay them for this abandonment of republican maxims. Will they, like Esau, sell their birth-right for a mess of pottage? Then, consider the bargaining, the chaffering, the huckstering, the shopkeeping mode of settling this bonus or premium—the opening it affords to pecuniary speculation—to legislative caballing—the certainty in all cases,

that the wary, watchful, calculating monopolists, with their own interests as their ruling motive never lost sight of, will have the advantage of men neither specifically skilled in the object of sale, nor equally alert and alive when they have not their own interests, but the interest of others only to watch over.

How liable are they to pass over details apparently minute, but pregnant with remote consequences of portentous interest? Is it not matter of history, known to every reader, how grievously, how frequently, the honest members of the British House of Commons, Mr. Grenfell, Mr. Hume, Sir H. Parnell, &c. complain of the bargains made by that House with the Bank of England? Why should we open the same door here? Every argument, moreover, in favour of a banking monopoly, savours of the money-making spirit—*l'esprit boutiquière*—there is nothing of the liberal and enlarged mind of the statesman in it; great principles are sacrificed to pecuniary advantages; it is a creature of the wealth-worshipping idolatry of the day, that threatens to convert us into a bargain-catching, speculating nation, represented in our legislatures not by high-minded, well informed statesmen, but by dealers and chapmen, and money-brokers. The aristocracy of wealth is acquiring a baneful predominance.

(b) It is argued, that the numerous, persevering, and long continued decisions, legislative and judicial, and the expositions in favour of the constitutionality of this institution, by the framers of the Constitution themselves and their contemporaries, ought to be considered as final and conclusive. This is the substance of the second and third arguments.

To this, we would reply, that Col. Hamilton, Robert Morris, Mr. Madison, &c. were, in the Convention, decided Federalists; favourers of a consolidated Government, approaching to a monarchy, and of reducing the State Governments down to the meanest of municipalities. We refer to the Journals of the Convention for this fact, which every one, who has read that book, knows to be true. Mr. Madison's changes of opinion render his authority of no weight.\*

\* Mr. Madison's Speech against the Bank of the United States in 1791, as reported, thus concludes:

"It appeared on the whole, that the power exercised by the bill was

"*Condemned* by the silence of the Constitution.

"*Condemned* by the rule of interpretation arising out of the Constitution.

"*Condemned* by its tendency to destroy the main characteristic of the Constitution.

"*Condemned* by the expositions of the friends of the Constitution, whilst depending before the public.

General Washington's sentiments on the Bank are not well known. At any rate, a few years after the passage of the Constitution, he had so far forgotten its history in the Convention, as to recommend a measure which had been three several times expressly proposed and rejected, viz: a National University.

But ten times the number of decisions would not weigh a feather in settling the constitutional difficulty, for the Constitution has itself prescribed the only mode in which constitutional doubts shall be settled, viz: by referring them to a Convention of the States, called for the purpose (*Constitution, Art. V.*) No legislature, no judiciary, no number of citizens, however respectable for talent or station, have a right to usurp the powers of a Convention, or to substitute their construction for the State's construction. In the mode and manner, and by like authority as the Constitution was framed, let it be construed and amended. A Convention of the States is alone competent to settle these constitutional difficulties, nor did the Convention refer them to the subordinate authorities, legislative or judicial. If a power be dubious, it cannot be exercised; quod dubitas ne feceris, is the rule. Your title to the exercise of authority, must be made out beyond contradiction, or you may not exercise it. It was twice proposed to submit controversies between the United States and a State (*Journ. 265-278*) to the Supreme Court, but rejected. I refer also to the opinions of the Supreme Court of Pennsylvania, in Cobbett's case, reported 3 Dall.

Nor is it to be forgotten, that the Constitution, like the earth we live on, belongs not to the dead, but the living; by the same right that our ancestors judged for themselves, we may judge for our own selves. Nor are we bound to our own detriment by their mistakes; nor precluded from profiting by the lessons of experience.

Nor is it to be forgotten, that objections to usurped jurisdiction are never out of time. No length of time can convert the power of building a cottage, into the power of building St. Peter's, at Rome. It is not true in this case, that forbearance one day, ought to become precedent the next, and a maxim inviolable and irreversible the third. It is not an argument that

"Condemned by the apparent intention of the parties which ratified the Constitution.

"Condemned by the explanatory amendments proposed by Congress themselves to the Constitution.

"And he hoped it would receive its final condemnation by the vote of the House."

While Mr. Jefferson lived, Mr. Madison went right; his original anti-republican tendencies were suppressed, and he became an able and strenuous advocate for the people's rights. Since Mr. Jefferson's death, he has chosen to coalesce with men so many grades inferior to his own talents and standing, that we look at the change with surprise and regret:

common-sense will admit, that despotism may not be opposed by us, because our fathers submitted to it fifty years ago. On a constitutional question, it is not the legislature or the judges that have the right or the power of making a precedent ; these are subordinate, derivative authorities ; it must emanate from higher, to wit, from constitutional authority ; the States must construe the disputed clause which the States enacted, and set the precedent for themselves, by an amendment, if needed. So says our Constitution. Where that Constitution has not expressly given the right and power of construction, it is usurpation to assume it.

These considerations will bear also on the fourth argument by Mr. Gallatin. The legislative and judicial decisions cannot, and still less will the authority of great names, settle a controversy, which the States of the confederacy are alone competent to decide. What right has Congress or the Federal Judiciary to usurp the powers of a Convention ?

But Mr. Gallatin's argument is opposed to every American and every republican maxim. Hitherto, we have considered it as characteristic of our American Republics, that the people, by written Constitutions, have limited and controlled their legislatures in the exercise of intrusted power. They have protected the rights of a minority by these documents, from the all-absorbing despotism of an uncontrolled majority. They have done this for the people, in language sufficiently intelligible to the people. We acknowledge, imperfections of expression and room for doubt and dispute will occasionally occur in every written instrument ; and some, not many, are to be found in the Constitution of the United States. From hence, Mr. Gallatin argues, that doubt and uncertainty so necessarily attend all such attempts, that Constitutions are nearly, if not quite, useless ; unless you permit judges and legislators to put their own construction, binding forever on the people, on the disputed claims. That is, taking the business of Constitution-making out of the hands of the people and the States, and depositing it under the safer control of judges nominated by the executive, and legislators often appointed by party men for party purposes, and controlled by a lobby legislation. Look at the Bank legislation in New-York State, and the domestic legislation by the Committees of the United States, when Judge Baldwin was the Chairman of the one, and Judge Todd of the other. Those who know the history of speculation in soldier's certificates, can easily account for the passage of the first Bank charter.

Such are the legitimate conclusions from Mr. Gallatin's argument ; and we leave him in full possession of its legitimate



effect on the American public. Nothing more to the purpose could be urged against constitutional Governments, by the advocates of European legitimacy.

But there are constitutional objections to the Bank of the United States, that have not, as yet, received any reply. Most of them are very strongly put in Judge Clayton's pamphlet.

It is absolutely necessary we should bear in mind also, that neither at the period when the first Bank charter was applied for, nor in 1816, when the present one was granted, was the public in possession of the historical facts so indispensable to form a just opinion of the question. *Yates' Secret Debates and Proceedings of the Convention*, and the *Journal of the Acts and Proceedings* of that body had not then been published. The first was given to the public in 1821, the second in 1819; nor did we know till then, what were the proposed and rejected questions in the Convention; nor had we any light thrown on the reasons of their rejection, by Luther Martin's speech to his constituents, or Mr. Jefferson's posthumous works. These important commentaries on the Constitution, which every man who wishes for accurate information on constitutional questions must carefully peruse, have placed us at this day in a far more favourable situation for forming a correct judgment, than the legislators of 1816. The absence of these documents at that day, will account for so many honest and able patriots being led into the dangerous path of construction, and a reluctant sacrifice of constitutionality to expediency, for which there is now no excuse. The public is now too well informed, to accept of the authority of great names, obiter dicta of men of eminence, or even legislative constructions, or judicial decisions on great constitutional questions, when they see that the Convention has no where referred them to these tribunals, unless in specified and enumerated cases; cases of law and equity. A constitutional doubt can only be decided satisfactorily by the like authority that enacted the Constitution; and so says the Constitution itself, expressly, by the fifth article of that instrument.

The members of the Convention forbade all copies of their proceedings to be taken; no wonder therefore, during the formation of the Constitution, they were unknown even to many of the prominent politicians of the day. Hence, the mistakes of passing an act for the protection of manufactures, the Bank bill, &c. Mr. McDuffie's first head of argument in the first page of his report, is a very formidable weapon against himself in the hands of the tariff monopolists, and we wonder he was not aware of it.

But let the truth be told : history must not be falsified out of respect to great names. We are, in this country, too apt to talk in strains of hyperbolical panegyric, and to become man-worshippers without due regard to truth or common-sense. We have no right to expect or to assert that any man or set of men are absolutely perfect in wisdom or in virtue. For some years after the close of the Convention, and the general acceptance of the Constitution, that instrument appears neither to have been studied nor understood even by those who ought to have meditated on its clauses profoundly.

The early act passed for the protection of manufactures, a measure, at that time, countenanced by General Washington and Mr. Jefferson, after the British notions of Mr. John Adams, Colonel Hamilton, the two Morrisesses, &c. was directly opposed to the tenth section of the first article, wherein it appears that after due consideration, the Convention *did give* the qualified power of laying protecting duties to such States as wished to exercise it, and *did not give* it to the National Legislature.

General Washington's proposal of a National University, after the Convention had three times rejected that measure, appears passing strange at this day, in his case, who must have known, but had forgotten the fact. His well known reluctance to pass the first Bank bill, can only be accounted for, by the influence of the Federal party over his better judgment.

The twenty-fifth section of the judiciary act, the carriage tax, the alien and sedition laws, &c. can only be attributed to some strange neglect of looking into the Constitution, and some vague preference of temporary expedience to constitutionality. It is on this principle we must account for the support given by Mr. Madison, Mr. Dallas, Mr. Crawford, Mr. Calhoun, &c. to the present Bank bill. The imbecility of the then administration in all its war-measures—an administration well intentioned, but not energetic—introduced a financial panic that tempted such men as these, to give up the constitutional question to what they then deemed financial necessity. They were mistaken ; and the more wholesome turn of thinking of the public mind, at present, will, we trust, correct the mistakes of these truly honest and able men.

The powers of Congress are general ; given for general purposes, for the general welfare ; they relate to the whole people, to the public. Congress has no right to legislate in favour of or against any individual, or section, or class of individuals, or to confer privileges or monopolies, in which the whole community does not partake. It seems unnecessary to do more than

state this position, as evident in itself, as any mode of proof can make it.

The charter of the Bank of the United States erects a money-dealing, money-speculating monopoly, consisting of certain subscribers to the Bank, and shareholders therein, who trade conjointly with the Government of the United States; the latter, holding and subscribing seventy thousand shares of one hundred dollars each, and any other individuals, companies, or corporations, two hundred and eighty thousand such shares, amounting to thirty-five millions of dollars altogether.

So far as the holders of these two hundred and eighty thousand shares are concerned, this is not a general, but a special act; conferring exclusive rights and privileges on individuals, and establishing a money-dealing monopoly, irrevocable for twenty years. Where is the power of doing this, to be found in the Constitution?

This Bank is not simply a corporation, instituted as a means to effect a public purpose; it has a double aspect; it is a corporation for the use of the public, coupled with a corporation for the benefit of individuals. In this way, the refusal by the Convention to grant powers of incorporation amounts to nothing; for a public corporation, it is said, may be instituted, not indeed as an end, but as a means to carry into effect an express power, and it may be coupled with a private corporation of monopoly and privileges, granted to individuals! The rule of law is, you shall not be permitted to do indirectly, what you are forbidden to do directly. This double-dealing Bank charter, appears to me, a manifest fraud on the Constitution, which the acute but honest intellect of the Chairman of the Committee will feel reluctant to defend. Even if it were conceded to him, that a corporation might be set up as a means to an end—as the incidental power necessary and proper to carry into effect the enumerated power—still he must, on his part, concede also, that the means and the end must be coextensive; the means must not extend beyond the purposes for which they are adopted. A Bank may distribute funds of the treasury; but is it necessary and proper that for this purpose they should deal in bills of exchange; or lend money on lands; or on pledges; or hold estates in mortmain; or supersede the laws of escheat; or set aside the execution laws of particular States; or protect the property of the shareholders from State taxation; or force their branch banks into States who object to their introduction? Nor is it necessary that they should be invested with the enormous and alarming power of crushing at any moment any State bank in existence. A tyrant may use despotic power mildly,

but that does not take away from his power, the inherent despotism that characterizes it.

*Again.* Whatever incidental means are employed by Congress as necessary to carry into execution an express power, they must refer in the act of Congress to the power in whose aid they are employed; they must be placed also under the superintendence of a person or persons paid by, and subject to the control of the United States; removable, if it should be necessary to remove; and the means themselves, should be within the power of the legislature at any time to annul, to modify or to change, as the public interest may require. Else, what may seem at first necessary and proper, may be continued when it is unnecessary and improper. Every requisite thus necessary, has been abandoned in the Bank charter. It has no reference to any powers it is employed to execute; it is in no respect under the control of the Government, but of the stockholders; it is not a Government corporation acting for the public interest, so much as it is a private corporation, acting for the private interest of the shareholders, of whom the Government of the United States constitutes in power and in interest but one-fifth part; and can be at any time controlled and overruled by the majority of four-fifths.

*Again.* It is right and proper that the persons employed by the Federal Government should be of known standing and character in society, responsible for the due performance of their duties, and a power should constantly remain in the Government to check malversation, and dismiss them if it should be proper so to do. But the shareholders and their directors may be any body, of any character, natives or aliens. They embark in this money-making scheme, not to carry into effect the public purposes of the institution, but to make money. They have opportunities of misconduct, beyond the control of Government; and those opportunities were extensively exercised in the first years of the Bank; which, but for the exertions of Mr. Cheves, would probably have stopped payment fraudulently and disgracefully. What has been, may be. Nicholas Biddle will not live forever; and if the interest of the Bank and the interest of the Government should clash (no improbable occurrence) can there be a doubt to which side even Nicholas Biddle would lean? With these mischiefs inherent in the very vital frame of the Bank, how can it be defended as an incidental power to be relied on, even if it were constitutional? But who can say that these means, so manifestly objectionable, are the means *necessary* and *proper* to execute an enumerated constitutional power? This institution as to four-fifths of the power

and the property belonging to it, is a private money-dealing corporation, instituted by Congress in direct and manifest defiance of the Constitution.

Judge Clayton, (p. 11,) puts the following strong case.

"Suppose a Company, like the Bank stockholders, should petition Congress to incorporate them with exclusive privileges to open all the rivers, turnpike the roads, erect bridges, and establish ferries throughout the United States; for which they agree and pledge themselves to transport all the military stores of the Government, collect and transmit its funds from place to place, carry the mail, and give great facilities to commerce; and *all for nothing*; and in the opinion of a Committee of Congress, the privilege is considered necessary and proper to carry into effect the important powers just mentioned. Does any man, not hardened and abandoned to the American System, believe that such an unconstitutional measure could be sanctioned by the mere suggestion that *a proposition cannot be maintained which denies to Congress the agency of a corporation to carry into effect powers expressly conferred on that body*? Where would be the difference between this case and the Bank?"

Mr. McDuffie seems not to have attended to the history of the constitutional questions debated in Convention, or he would not arrogate for Congress a power to erect corporations, so obstinately proposed, so successfully opposed, and so repeatedly rejected under every form of its introduction in the Convention.

*Again.* Whatever incidental power is assumed by Congress as a legislative body, and as necessary to carry into effect an express power, it is necessary and proper that they should employ this incidental power themselves, by their own agents, under their own superintendence and absolute control; they cannot substitute the power of appointment to others, or delegate to others the right of legislating for the public in this or any other respect; nor can they legislate *jointly* with another body. The Supreme Court in *Wayman & Clerk v. Southard & Starr* have decided that the legislature cannot delegate its authority to legislate to any other person. This is not merely an executive appointment. The power of the agent must be defined by Congress, and his mode of agency prescribed. Congress cannot give him *carte-blanc*he, absolute discretionary power to act as he may think fit, not only for the public interest, but for his own also. But, this is an objectionable power yielded to the United States' Bank; Congress has no control over the stockholders, who may, as they do, employ their corporation privileges for their own emolument to the utmost extent of Bank prudence, if not beyond it. The charter is a charter of private monopoly, wherein our Government officers are merely share-

holders, and bound by the doings of the bank directors, who are, in fact, the standing legislators of the corporation. No declaration of the express powers contemplated, is made in that charter; no mode is prescribed of executing them specifically by these incidental agents; provided they are somehow executed, no further questions arise. The Bank officers are the officers of the private corporation, not of Government; they are amenable to the stockholders, not to Government. Congress erects a private speculating corporation for the benefit of the shareholders, and then makes a contract with them to transact certain public business, on condition of their permitting Government to become shareholders also; a contract irrevocable for twenty years! If this be, what may not be, constitutional?

*Again.* The stockholders of the Bank of the United States are a variable and fluctuating body. Seven millions or seventy thousand shares are held, it is said, by aliens and foreigners; many of them from among the English nobility. We have no objection to foreigners vesting their surplus money in our institutions unless under particular circumstances. That seven millions may become fourteen. The directors are chosen by the stockholders. Let us suppose that Government here wants money, to provide against an expected quarrel with Great-Britain. The directors are to determine whether the Bank shall advance it or not. The directors are the agents of foreign as well as domestic stockholders; who does not see the possible danger of this case? Is this necessary and proper?

*Again.* To make use of an argument very strongly put by Judge Clayton, let us grant the necessity and propriety of this incidental corporation:

“Is it not readily perceived that for the time the power is in the corporation, it is out of the Government? But what would be the consequence, if all its powers (for if one may, all may) were coupled with some private immunity or interest, and bartered away to corporations? There is no difference in the powers conferred on the Government; if one is subject to traffic, all are; and every function of the Constitution may be farmed out; even the heads of departments, the collectors, nay every office may be linked to a charter; and under the broad, nay boundless discretion of Congress to judge what is *necessary* and *proper*, the whole fabric of the Federal Government may be quietly lodged in the kind and tender arms of corporations, to be nursed as they may think proper, and Congress may retire to rest and doze away the holiday season for which its powers may be *let*! Such principles are odious, nay shocking! It is no argument to say this will not be done; the power remains, and there has been at least one fatal case; that is sufficient

not only for our argument, but for all the purposes of an awful warning."—p. 16.

It is merely because we do not deem it fair to copy a page, that we do not continue this extract with the very strong, and, to us, unanswerable illustration of Judge Clayton, by substituting the banker, Rothchild, for the Bank of the United States; but we hope the reader of this summary will not be content without referring to the pamphlet of Judge Clayton, enumerated in the list at the head of this article. Those who are really interested on behalf of the public in this momentary question will not pass it over.

*Again.* One of the great objects of the Bank, it seems, was to substitute a sound for an unsound currency. We verily believe it has done so; thanks to the much-opposed energy of Mr. Cheves. But in the report of the Committee of the House of Representatives, from the power given to Congress "to coin money and fix the value thereof" is strangely deduced, (p. 6) the power of regulating the whole currency of the United States, paper as well as coin! This is inferring quidlibet ex quolibet, with a vengeance.

Is there one man of common-sense, from Maine to Louisiana, (the Committee excepted) who really believes that a coined dollar, or an eagle of actual silver and gold, are one and the same thing with a piece of stamped paper? Or that the Convention, with the Bank of England within their purview, and with the experience of the Bank of North-America in actual operation since May, 1781, did not know the difference between coin and bank paper? If this utter perversion of the use of language, is one of the chapters in the science of implication and construction, we know not to what paradox it will not extend!

About the year 1814 or 1816 (we quote from memory) a debate arose in the British House of Commons, as to the exorbitant charges of the Bank of England, and the unfair and selfish advantages taken by that institution in its dealings with Government. On that occasion Mr. Grenfell threw out a threat, that if some more decided evidences of fair dealing than had yet been exhibited, were not afforded by the directors of that institution toward the Government, it might induce an inquiry whether, under the sovereign power of regulating the coinage of money, the issues of paper money might not also be subjected to governmental regulation. But he did not venture upon any thing more explicit than this dubious suggestion.

What are we to think of a cause that requires us to accede to this perversion of language? Or, if this notable specimen

of latitudinarian construction, and adopted implication, be deemed fair and sober argument, how can Mr. McDuffie and his Committee object to the system of protecting duties? If the power over paper be legitimately inferred from the power over gold and silver coin, then there is nothing strained or forced in deducing home monopoly from the power of regulating commerce. And if the influence of great names be a sufficient basis whereon to build up Bank corporations, let Mr. McDuffie shew us, why the same reasoning from authority will not apply to the protecting system. We fear this will be a task not easy to be accomplished even by that gentleman's acknowledged ingenuity.

Coin is currency ; paper is currency ; therefore paper is coin.

A water-melon is food ; a roasted fowl is food ; therefore a roasted fowl is a water-melon.

There would be nothing ludicrous in this mode of putting the argument, if there were nothing ludicrous in the argument itself.

It is in this way that the public are to be persuaded that Congress possesses the constitutional power of making the notes of a private banking company, the current money of the nation. If they can do this for one private company, they may do it for another ; for Stephen Girard's notes for instance. The doctrine of implication and construction is boundless ; it may make any thing mean any thing, even though contradictory ; thus, the power of regulating commerce has been held by the manufacturing Committees of 1824 and 1828 to mean the power of annihilating commerce, which essentially depends on introducing cheap articles of foreign production in return for the export of cheap articles of our own production ; a barter which the tariff of protection is avowedly instituted to annihilate.

The Committee seem to have forgotten that the Congress had already exhausted its authority, done its duty, and legislated on this express power of regulating the weight and value of coin, by establishing the *mint*. The regulation of the paper currency, therefore, is a new and perfectly distinct original power claimed, as it should seem, without any reasonable pretence ; and proves nothing, except that under the modern doctrines of implication and construction, the Constitution is a farce, a semblance of security, a door closed against usurpation which a child's force can open.

Under this incorporation of stockholders, called the Bank of the United States, the directors emit their bank bills and circulate them on the credit of the United States' Government. Now observe :



“When the question to grant the power to borrow money was under discussion before the Convention, there was connected with it, in the reported draught made by the Committee of detail (*Yates’ Sec. Pro. and Deb.* p. 57) a power to *emit bills of credit on the credit of the United States*; but a majority of the Convention, says Luther Martin, being willing to risk any political evil, rather than admit the idea of a paper emission in any possible case, refused to trust this authority to the Government. It was therefore moved, to strike out the words, *and emit bills*, which was carried, nine States to two. If a paper currency was thought to be necessary and proper, where was there a better opportunity for the grant than at this juncture? Will they incidentally confer on a private corporation what they expressly denied to the General Government?”—*Clayton*, p. 27.

When, therefore, the Committee, in their report of April 13, 1830, state the question to be, not between a metallic and a paper currency, but between a paper currency of an uniform, and one of a fluctuating value, they raise a question with which Congress has nothing to do; for Congress cannot authorize a paper currency; Congress cannot emit bills of credit; Congress cannot make any thing currency but gold and silver coin; and if they could, there are other means of accomplishing this object besides the Bank of the United States, which is not a *necessary* means for this end.

The Bank of the United States appears, then, liable to the following brief summary of constitutional objections:

It is not included in any of the express or enumerated powers granted to Congress by the Constitution. It might have been, had the Convention seen fit.

A Bank was proposed, discussed, and rejected in the Convention; and so obnoxious was it considered among the States, that it was urged in the debate, that the reception of the Constitution among the people would be endangered by adopting such a measure.

The power of emitting *bills of credit*, such as the promissory notes of the Bank of the United States now are, was proposed to be given to Congress, and was rejected in the Convention, nine States to two.

No currency is noticed in the Constitution but a metallic currency of coined money; and as that is established and no other, every other, however useful or convenient, was of course excluded. But the Convention must have been aware of, and considered a Bank paper currency, as the Bank of England was known to them, and the Bank of North-America had been in operation since 1781.

The Bank of the United States is a corporation with exclusive privileges; it is not a public, but a private corporation; consisting of such persons as may become subscribers, their assignees and successors. (*Bank charter, sec. 7.*) The Federal Government is a subscriber to the amount of seven millions out of thirty-five millions of dollars, and elects directors in proportion to its stock. It may be said that this is, in part, a public, and in part a private corporation. Let it be so. In the Convention, the power of incorporating was proposed to be given to Congress generally, and negatived.

It was proposed to be given in cases where the particular States had not the power, which might, nevertheless, be exercised for the public good; negatived.

It was proposed to grant the power of incorporating, specially, for roads and canals; negatived.

It was proposed three times to incorporate an University; negatived.

To establish post and military roads; negatived.

To establish seminaries for the promotion of literature, arts, and sciences; negatived.

The same for the promotion of agriculture, trade, commerce and manufactures; negatived.

So that in whatever possible form the power of *incorporating* could be proposed, it was steadily rejected by the Convention. The power of direct incorporation having been thus repeatedly refused to the General Government, can they assume it by indirect means—by unforeseen, unsuspected construction?

It is assumed as an indirect means, necessary and proper to carry into effect the following enumerated powers, viz: To collect taxes, duties, imposts and excises; to borrow money on the credit of the United States; to coin money.

Every written act made in pursuance of a power, should recite in substance the power that authorizes it. In the Bank charter, there is no statement of the express or enumerated power which it is established to execute; no mode and manner of executing it specifically pointed out and prescribed; no power of removal, dismissal, change, or alteration is reserved to Government, if any such should be needed; no directing control, excepting in the proportion of one-fifth; four-fifths belonging to the stockholders. Moreover, several minor incidental privileges are attached to that Bank, which the Constitution will by no means justify; such as to hold lands in mortmain; to enable aliens to hold lands; to change the course of descent into succession both as to lands and chattels; to exempt lands

from forfeiture and escheat ; to prohibit the right of taxation by the States.

Against this unanswerable list of usurpations, the advocates of the Bank insist on its great financial utility to the Government and to the nation. We are not inclined to deny that it has greatly contributed to restore specie payments, and to introduce a reasonable approximation to an uniform currency, much better and sooner at least, than we had any prospect of these results without the Bank.

Let all this be admitted then for the present ; and let the people be asked the question, are these results compensation sufficient for the utter destruction of your Constitution—for setting it absolutely at nought—and usurping, in defiance of it, by direct opposition and by ingenious construction, powers that the history of the Convention proves, beyond all doubt, were never meant to be granted ? It is well for the president and direction of the Bank, to take that view of the question which a bureau of brokers and bankers' clerks would naturally take ; but is this a statesman-like view of it ? Is it such a one as an American legislator should adopt ? If the Constitution be defective, take the constitutional mode of amending it ; but it ought not to be treated by an American Congress as waste paper, or abandoned, as Mr. Gallatin abandons it as a vain effort at impossible attainment.

The *next* consideration before us is, was the institution of a National Bank imperiously called for by the circumstances of the times, 1816 ?

This point is greatly laboured by the advocates of the Bank charter, and therefore we notice it. But there are two considerations to be borne in mind on this part of the subject, viz . That the true construction of the Constitution cannot be made to depend on circumstances that have happened thirty years subsequent to the acceptance of that instrument by the people ; also, that however expedient the Bank might have been in 1816, there is no such need of it at present, nor is it likely that any of the circumstances that tempted its adoption in 1816 will exist in 1836. Granting its utility when instituted, it is now *functus officio*, we may well do without it four years hence. Let us, however, go back to 1816.

It is a fact, that in August and September, 1814, the incorporated Banks from New-York southward, had refused specie payments.

The United States' Bank was chartered 3d of March, 1816, and went actually into operation the latter end of January, 1817.

On the 29th of April, 1816, and the 22d of July, 1816, the resolutions of Congress enabled the Secretary of the Treasury, Mr. Dallas, to give notice that the taxes and imports would be collected in specie on the 20th of February, 1817.

On the 23d of February, 1817, specie payments were resumed by the Banks generally, particularly by those in Philadelphia.

Since that time, they have been insisted upon from every Bank, whose paper is accepted by the Bank of the United States; prudent indulgencies have occasionally been given by this last mentioned institution; but it may be assumed that no Bank is, or ought to be considered worthy of public credit, but such as give cash for their notes when required.

This is the great secret; had Government, from the beginning, acted on this principle (and they might have done so) no United States' Bank would have been necessary. All that the Bank has done, has been done by a steady adherence to this resolution at their own counters, and by insisting on it from every other Bank. But their own institution has been, for a time, as wofully mismanaged as any other; the want of judgment, in Philadelphia, during the first years of that institution, and the fraudulent mismanagement at Baltimore and elsewhere, put the very existence of this Bank in jeopardy. It was saved by the severe, but energetic measures of Mr. Cheves.

But to whatever mismanagement the present Bank may have been, or may be liable, we think it cannot honestly be disputed, that Mr. Dallas out of the House, with the aid of Mr. Calhoun principally in the House, did so bring their institution to bear on the other Banks, as to compel them into specie payments greatly to the advantage of the public, much sooner than these incorporations would have resumed them with their own consent; this inference is fairly deducible from the coincidence of times and circumstances. The Committee of the House of Representatives have, in their zeal to display the great utility of their favourite institution, run into some exaggerations and contradictions which they might have avoided; but as these do not reasonably add to, neither do they destroy the merits of the Bank at that period.

That the war with Great-Britain was necessary to our national character, and that it has done us great good in that respect, few people in the present day will deny. But it was forced on a reluctant administration when it was proclaimed; and there was a want of foresight in providing against the exigency, that was truly astonishing. The expenses of that war were double what they might, and ought to have been; and the

derangement of the national finances—the result of general mismanagement—was no greater than might have been expected from antecedent imbecility. Every thing was conducted ill but the fighting part—there was no failure there.

During great part of this war period, the Banks issued their paper, uncontrolled; the paper currency became depreciated; metallic money was superseded and disappeared; the country was inundated with worthless bank notes inconvertible; Mr. Dallas' treasury notes, well imagined, did not succeed, for all the bankers were, of course, opposed to them; the currency of the country became at length so deranged, that it was not surprising men of sound patriotism, were tempted to pass over their constitutional objections and yield their assent to the most plausible scheme that occurred, of reviving public credit. Mr. Dallas was alive to these constitutional objections; but he was at the head of the Treasury, and the finance of the nation pressed heavy on his shoulders; no wonder he felt himself driven to the remedy adopted. He satisfied himself with the same arguments that have so successfully quieted the qualms of Messrs. Madison, Gallatin and McDuffie.

Objectionable as it is, the United States' Bank did prove a remedy; and though it is not every thing that its partial friends and interested defenders would make it, we should be wanting in honest candour, not to acknowledge, that the paper currency of this country has been wonderfully amended by its operations, and is, in consequence of them, in a state, not perfect indeed, but not reasonably to be complained of.

The evils that gave origin to the present Bank, are now seen, and fully understood; they can now be guarded against by common prudence; the same exigence for a desperate remedy is not likely ever to occur again; and if it does, the means employed by the Bank of the United States, can now be applied by any other less objectionable institution, or by Government, with equal efficacy. What are those means?

*The refusing the notes of every Bank, that does not give cash for its notes when demanded.*

To this rule, the Bank itself rigidly conformed; as, from the cash loan negotiated by Mr. Sergeant, and the facilities afforded by Government, well it might.

Another rule of safety remains to be adopted, though we do not feel bound, in this place, to point out how it is to be enforced. We mean, *the total abolition, or rigid rejection of every bank note, or any paper substitute, under five dollars.*

We have not the slightest hesitation—*no, not the slightest*, in correcting the number *five*, by substituting *fifteen*; filling up the chasm

by eagles, half eagles and quarter eagles ; and by dollars, half dollars and quarter dollars.

A mixt currency of this description (no paper lower than fifteen dollars) would be attended with the following advantages :

It would retain, permanently, a sufficient quantity of specie at home, to facilitate the convertible character of all other paper money.

It would prevent the ill consequences of any sudden run upon a Bank from what has, in England, acquired the serio-comic title of "late panic"—the pressure on a Bank, or Banks generally, from any sudden alarm ; for this, in all cases, takes place first of all with the numerous holders of small notes, which the present plan would exclude.

It would put a great stop to counterfeiting, which is practised most on that class of society most easily cheated ; the poor who hold small notes.

It would be a most meritorious act of mercy and kindness towards the poor, who constitute the mass of every society, and who are the most deeply injured at present by a bank insolvency, because they are the most confiding class, and can least afford to suffer the loss of the small pittance they possess.

It would greatly facilitate the cash payment of taxes.

It would furnish a market for the produce of our gold region, the most extensive hitherto discovered in the world ; and the most valuable ; inasmuch as it affords no more than an ample remuneration for the labour bestowed. It is not likely to produce any thing like a glut in the bullion market, if we may judge from present appearances, but yields a sufficient profit to those who conduct their works with industry and skill.

We suggest these hints, on the supposition that a mixt currency will continue to be generally adopted throughout the United States ; persuaded, however, that the greatest good of the greatest number, will be most effectually promoted by a refusal on the part of every government, to erect any banking corporation whatever, any where, or to any extent, great or small. Let every man who chooses be a bank competitor before the public, and all evils will cure themselves. But if a mixt currency is meant not to degenerate into an inconvertible paper-currency, the circulation of small notes must be somehow or other prevented ; else, sooner or later, they will banish bullion.

In the report of the Committee of April, 1830, the great utility of the Bank is argued, from the losses sustained by the community, in consequence of the depreciation of the currency that took place about the time when the Bank was instituted.

From the information of Mr. Crawford, it should seem, that a circulation of one hundred and ten millions in 1816, had been reduced to forty-five millions in 1819; and the chairman calculates, that the average circulation within the last ten years, has been fifty-five millions. But if, commodities in the market remaining as before, the circulation is doubled, the money-price will be doubled also; and the Government had actually to borrow, under these circumstances of depreciation, to the amount of eighty millions of dollars. This they received in sixty-eight millions of paper money, worth only fifty per cent, making a loss of thirty-four millions; but the treasury notes received by the lenders as stock, were sold by Government at twenty per cent. discount; producing a loss of twelve millions of dollars, which, added to the thirty-four, occasioned a total loss of forty-six millions of dollars in borrowing eighty millions.

This prodigious loss, it is taken for granted, would have been totally saved, had such an institution as the Bank of the United States been in full operation at that time. The reader will take as much of this for granted as he may think the facts will warrant. The assumption is somewhat too extravagant for us.

But, on turning to the first tabular exhibit annexed to the report, containing the discount on paper money at various places in the United States in the year 1816, and taking an average from that table, we cannot find the depreciation extended beyond eleven and a half per cent. At Pittsburgh, indeed, it was from eighteen to twenty-five, and, at Baltimore, dollars were eighteen in advance; but if, from that table, you take the cities most likely to contain the money-lenders, the notes of those cities will not furnish a depreciation, reaching ten per cent. on the average, even including Philadelphia. Thus, take the depreciation of notes at Boston, nothing; but Boston notes which were cash, were only seven per cent. advance in New-York; New-York notes at Philadelphia, nine and a half per cent.; Philadelphia notes at New-York, seventeen per cent.; South-Carolina notes at New-York, eleven per cent.; Georgia notes, the same.

As to Baltimore, or Pittsburgh, or the interior towns, they have little or nothing to do with the question; for the loan would be chiefly, if not entirely, taken up by the wealthy part of Massachusetts, New-York, Pennsylvania, South-Carolina and Georgia. We cannot, therefore, accept, as approximating to accuracy, the sweeping statement of the Committee, that the loss to Government, out of eighty millions, was forty-six millions; the first table of exhibits does not warrant more than one-fifth of that sum; nor can we believe, that if there had

been at that time in full operation, a Bank of the United States, that the whole of this loss would have been saved. Who can believe that the Bank would not have speculated on the exigency? We notice this, that the reader may be more upon his guard, than the Committee seem to have been, against the admission of arguments on the favoured side of the question, not strong enough to sustain the weight they are required to support.

We have already acknowledged, that the present greatly improved state of our currency is owing to the prudent management of the United States' Bank, under the administrations of Mr. Cheves and Mr. Biddle, without meaning to acknowledge, that Congress had a right to incorporate a Bank to regulate the general currency, Mr. McDuffie's report notwithstanding. But the means employed by them to produce this effect, are too simple to warrant a patent for the invention. Whether individuals set up a Bank for their own emolument, or whether Government shall issue any description of paper on the cash actually paid into the treasury, and not a cent beyond it—adopt as the inexorable rule, *pay cash on demand for your own paper, and accept in payment no paper that cannot be converted into cash on demand.* The same energy on the part of Government, as is exercised by the present Bank, will have the same salutary effect.

At the close of the war, the business of stock-jobbing, banking, brokerage, and all the minor distributions of financial knowledge, were well understood, so far as their own interest was concerned, by the jobbers, and bankers, and brokers of that day. It was not perfectly understood by the statesmen of that day, wise and honest as we know most of them were. All this is much better apprehended now than it was then; the maxims are few and simple; we have bought our experience dearly, but we have obtained it; even forty-six millions of dollars was not an extravagant price for the commodity purchased. Let us take care not to throw away, but to make use of our experience; and not repurchase it at a price not to be calculated in dollars—at the price of the Constitution of our country, and the republicanism of these confederated States.

The *next* point of inquiry is, whether the United States' Bank, with its present powers, be an institution dangerous to the community. In making this inquiry, it will be sufficient to shew, that it possesses the power of doing great mischief, without proving that it has actually done it. The character of tyranny does not depend on the personal character of the tyrant.



Let us then see what the powers and privileges of the present Bank are ; making some additions to the summary in Mr. Benton's statement before the Senate, pp. 6-8.

1st. It is empowered to hold real and personal property to the amount of fifty-five millions of dollars, and to issue notes to the amount of thirty-five millions more ; also, as many more notes as, on application to Congress, that body may permit.

2dly. It has the keeping of the public moneys to the amount of twenty-five millions of dollars per annum ; and usually has a surplus to trade upon, of about three and a half, or four millions in account with the treasurer, and at least one and a half millions in account with the disbursing officers. These two kinds of public deposits furnishing a running surplus of more than five millions of dollars a year, for which no interest is paid to Government.

3dly. With these surpluses and other private deposits, it is enabled to advance loans on mortgage and personal security, and almost to monopolize the lucrative dealing in bills of exchange.

4thly. Having, at its option, to take in payment the notes of State and other Banks, and to demand, or delay demanding cash for such notes, it is enabled to carry on a great part of its business, not with its own notes, but with the notes of other Banks ; which it can collect easily, and send them in to be cashed in accumulated abundance. Hence, every Bank throughout the United States is, in fact, at the mercy, and under the control of this great institution.

The Chairman of the Committee of the Senate, General Smith, puts this question to Mr. Nicholas Biddle, the President of the Bank :

*" Has the Bank, at any time, oppressed any of the State Banks?"*

To this sapient inquiry Mr. Biddle answers, of course,

*" No, never. But there are very few Banks that might not have been destroyed by an exertion of the power of the Bank.*

No further fact or argument is necessary, to shew the dangerous character of this institution. Who can promise that this overwhelming power will not be exerted during twenty years from 1836 ?

Let it be remembered, that this enormous power and control extends directly over every debtor of the United States' Bank, and, indirectly, over the officers, and, indirectly, also over the debtors of every Bank under the influence or the rod of that mammoth institution.

Such a power as this may buy up the States by loans of millions ; may lay legislators under pecuniary obligations ; may

influence the decision of political questions ; may forbid any debtor to be a patriot ; and may quietly and secretly distribute its loans and discounts so as, in fact, to govern the Government, and perpetuate its own power.

Connected with this enormous money control, it may be stated that, even at this day, it is enabled to set the Government at defiance, and to say, in effect, "disband us if you dare." The following is an extract from Mr. McDuffie's report, p. 23 :

"But the great injury which would result from the refusal of Congress to renew the charter of the present Bank, would, beyond all question, be that which would result to the community at large. It would be difficult to estimate the extent of the distress which would naturally and necessarily follow, from the sudden withdrawal of more than forty millions of credit which the community now enjoys from the Bank. But this would not be the full extent of the operation. The Bank of the United States, in winding up its concerns, would not only withdraw its own paper from circulation and call in its debts, but would unavoidably make such heavy draughts on the local institutions for specie, as very greatly to curtail their discounts. The pressure upon the active, industrious, and enterprising classes would be tremendous. A vast amount of property would change hands at half value, passing under the hammer, from the merchants, manufacturers, and farmers, to the large moneyed capitalists, who always stand ready to avail themselves of the pecuniary embarrassments of the community. The large stockholders of the present Bank, the very persons whose present lawful gains it would be the object of some to cut off, would be the very first to speculate on the distresses of the community, and build up princely fortunes on the ruins of the industrious and active classes. On the other hand, the females and minors, and persons in moderate circumstances, who hold stock in the institution, would sustain an injury in no degree mitigated by the general distress of the community."

Such is the appalling picture drawn by the sombre pencil of the Chairman of the Committee. We do not believe in the prophecy to a third of its extent. The numerous Banks in existence will, in our opinion, afford facilities enough to lessen the expected evils to a very tolerable amount. But let us take for granted, the fidelity of Mr. McDuffie's pencil in thus depicting the results of abolishing the Bank charter. If this be a true account of the miseries that will ensue upon closing the concerns of the present Bank, if, therefore, it becomes necessary that the charter should be renewed to avoid them, how far greater will the amount of evil be at the expiration of the succeeding twenty years, when the operations of the new Bank will probably be double those of the present? Is it not clear as day light, that however mischievous, however wantonly meddling and despotic the next Bank may prove itself—however

disposed to tyrannize with its tremendous means of tyrannizing over every other Bank throughout the Union, and even over the State Governments and the General Government itself—still, it is an institution fixed on us, not during its twenty years charter, BUT FOREVER. If the dangers of abolishing the present Bank are such, that we are obliged to shrink from the attempt, the danger of abolishing the next Bank will be incalculably greater—the viper is in your bosom and you dare not disturb it.

If there were no other argument for prostrating this most dangerous institution—if Mr. Madison had not spoken, or Mr. Jefferson written one syllable in its disfavour—if the unanswerable arguments of Judge Clayton and Mr. Benton, had never been penned—this, this single argument of the Committee of the House of Representatives, is of itself conclusive of the question. An institution so powerful, that however dangerous or obnoxious, you cannot control, and dare not remove it, ought never to be tolerated in a Republican Government. Whatever may be the evils attending its prostration, we must meet them, and bear them, before they are so enormously increased by our own acquiescence, as to enable the institution that produces them, to laugh us to scorn. The sooner the evil is met, the better.

The advice of Mr. Daniel Webster, in his speech against the tariff of protecting duties, in the Committee of the Whole in 1824, is well worthy of being borne in memory.

“ And, Sir, I imagine nothing would strike the public men of England more singularly, than to find gentlemen of real information and much weight in the councils of this country, expressing sentiments like these in regard to the existing state of these English laws. I have never said, indeed, that prohibitory laws did not exist in England ; we all know they do ; but the question is, does she owe her prosperity and greatness to the laws ? I venture to say, such is not the opinion of the public men now in England ; and the continuance of the laws, even without alteration, would not be evidence that their opinion is different from what I have represented it ; because the laws having existed long, and great interests having been built up on the faith of them, they cannot now be repealed without great and overwhelming inconvenience. Because a thing has been wrongly done, it does not, therefore, follow that it can now be undone ; and this is the reason, if I understand it, upon which exclusion, prohibition and monopoly, are suffered to remain, in any degree, in the English system ; and for the same reason, it will be wise in us to take our measures on all subjects of this kind with great caution. We may not be able, but at the hazard of much injury to individuals, hereafter to retrace our steps. Yet, whatever is immoderate

or unreasonable is not likely to endure. There may come a moment of strong reaction, and if no moderation be shewn in laying on duties, there may be little scruple in taking them off."

'This passage is the dictate of wisdom. *O! si sic omnia dixisset.*

The abolition of the Bank charter, in 1836, will necessarily be productive of some evils; the sooner the resolution is taken, the less they will be in amount, and the fewer in number. But if the prodigious influence of the present monopoly, through its pecuniary means, exerted as it will be, unsparingly and with infinite industry, should prevail in Congress to recharter that institution, it will be entwined with the very vitals of our system; peaceably we shall never get rid of it; but rely on it, the people will not long submit to its omnipotent dictation. Let us escape from its toils while we may; the sooner our determination to do so, is taken, the better for all concerned.

Let us proceed with our items of accumulated influence.

5thly. It has the Government wholly in its power, in time of difficulty and of need. Much of the benefit attributed to this institution, has been supposed to exist in the facility with which Government can borrow money in case of national exigency. Two fallacies lurk in this general attribute. 1st. Can the Bank, at any time, lend to Government beyond the surplus it holds at its own disposal? For instance, the State of Pennsylvania applied for a loan of twelve millions; the Bank replied, that it had only eight millions to spare, having invested three millions in lands; and even these eight millions were to be lent, only as a bonus paid for the influence of Pennsylvania to procure a renewal of the charter; the condition being, that it should be a loan for twenty years, the charter expiring in four years. But, suppose the charter renewed, and ten years hence, a loan should be wanted by Government; the Bank surplus would be locked up in Pennsylvania canals. 2dly. Suppose a war impending as obnoxious to tories, stock-jobbers, and British agents, as the last war—would not the Bank of the United States say to the treasurer of the United States here, what the Bank of England said to Mr. Pitt in 1795? "It is the wish of the 'Court of Directors, that the Chancellor of the Exchequer 'would settle his arrangements of finance for the present year, 'in such manner as not to depend on any further assistance 'from them beyond what has at present been agreed on?" From that time, Mr. Pitt was placed in the power of the Bank, and that power compelled him to allow them to issue notes in

**1797, unredeemable in coin.** The same effects will arise from the same causes, whether here or there. Whenever Government wants a loan, and has no institution to apply to, but one that has no competitor, that institution, from the moment, controls the Government and all its measures. The needy borrower is ever in the power of the wealthy lender.

If Government can apply to fifty or a hundred other Banks, competition will arise, and what is wanted will be reasonably obtained ; but renew the charter, and, in ten years, no Bank will exist throughout the Union, uncontrolled by the mammoth institution.

**6thly.** The very facility of making loans, so much approved of, is a great objection ; it tempts to projects, and expenses, needless and extravagant ; just as the facility of borrowing from a Bank, tempts a tradesman to hazardous speculation, and expensive living, that he would otherwise avoid. All such dealing and bargaining between a Government and a Bank, gradually fixes power there where the purse is.

**7thly.** The immense power of extending or contracting at its own arbitrary discretion the Bank issues, amounting, as it may hereafter, to half the currency of the Union, and beyond it, puts in its power the whole of the property of the country ; for the Bank thus becomes the arbitrary regulator of the currency, and of the money-price of every saleable article throughout the Union. The stability of the value of property, depends on the stability of the currency ; the control of this elastic currency will depend on the interests of the Bank ; a gainful operation will not be too closely scanned among men, who feel their divided responsibility. Accusations of this kind have been brought against the State and other Banks in the report of the Committee, and not without foundation ; but the same temptations elsewhere will occasionally produce similar effects ; and for this we appeal to the English restriction act of 1797.

This is not an accusation to which the present Bank has been liable, at least, since 1819 ; the severe measures adopted by Mr. Cheves, though they produced much complaint, appear to have been necessary to the salvation of the institution ; and nothing of the kind has been suspected during the prudent administration of Mr. Biddle. But our argument rests on this ; the power of over issuing, and the power of calling in the Bank issues, from interested and unjustifiable motives, whether of a public or a private nature, will belong to that institution if its present charter be renewed ; and where power exists, who shall say it will never be abused ?

Mr. McDuffie truly says, (Rep. p. 12.)

"When Banks have the power of suspending specie payments, and of arbitrarily contracting and expanding their issues without any general control, they exercise a more dangerous and despotic power over the property of the community, than was ever exercised by the most absolute Government. In such a state of things, every man in the community holds his property at the mercy of money-making corporations, which have a decided interest to abuse their power. By a course of liberal discounts and excessive issues for a few years, followed by a sudden calling in of their debts, and contraction of their issues, they would have the power of transferring the property of their debtors to themselves almost without limit. Debts contracted when their discounts were liberal, and the currency of course depreciated, would be collected when their discounts were almost suspended, and the currency of course unnaturally appreciated; and, in this way, the property of the community might pass under the hammer, from its rightful owners to the banks, for less than one half its intrinsic value. If the Committee have not greatly mistaken the matter, there is more of history than of speculation, in what they have here presented to the House."

These remarks will apply not exclusively to Banks who do not pay specie for their notes, but to any Bank with a capital sufficiently large to obtain the command of currency over a large district of country; and, of course, to the United States' Bank far beyond any other. In allusion to the remark of the Committee, we may say to that Bank, *mutato nomine de te fabula narratur*. We have no reason to suspect the Bank of the United States, of any fraudulent, or in the slightest degree unfair intention; we know of no institution more honestly or honourably conducted. But the *means* of mischief, and the *power* of mischief will be imparted to that Bank; our argument requires nothing more.

8thly. To this Bank is given, the exclusive privilege of carrying on the trade of banking on the credit as well as on the annual revenue of the United States; four-fifths of the stock belonging to individuals.

9thly. They pay the revenue of the United States in their own notes.

10thly. They may hold real estate, receive rents, and possess a body of tenantry. By the reply of Mr. Biddle to Pennsylvania applying for a loan, it appears, that the Bank has invested three millions of dollars in real estate. The tenantry of the Bank will be as much their own masters as the operatives at Lowell and at Waltham. This real estate is held in mortmain, free from forfeiture and escheat; and if the princi-

ples of decision in favour of the Bank by the Supreme Court are carried to their legitimate length—free also from taxation.

11thly. They may establish branches in any State of the Union, and interfere with the domestic currency of that State without, and against its consent. That is, if the decision of the Supreme Court be binding in this respect on the State authorities ; a supposition which we are fully disposed to deny.

12thly. To be exempt from liability on failure of the Bank. This legalized protection given to swindling throughout the United States, is a disgrace to the nation. A definite and limited liability, with an indefinite unlimited power of receiving profits and running in debt, is so common among the privileges and monopolies universally claimed by Banks throughout the Union, that this most impudent and barefaced fraud on the people, is considered as strictly within the pale of commercial morality here ; but we fancy no where else. In England and Scotland, the system is, to render each partner liable for the debts of the firm ; this is the common law of all partnerships, and ought to be. The liability to loss ought to be coextensive with the permanency of profit. Where there is a limited liability, the public are cheated out of their reasonable security.

13thly. The legal difficulties thrown in the way of *scire facias* to contest the charter on alleged misconduct. Application must first be made to the President or to Congress, who may deem it necessary to the general welfare that the Bank should be supported. This gives the Bank a direct interest in the election of President and Members of Congress, and brings it at once as an interested combatant on the field of politics. (*Benton*, 17.)

14thly. Exemption from State taxation. Such is the decision of the Federal judiciary. We cannot make out how a bonus to the General Government, in consideration of a monopoly, can be any compensation to a State Government for extending the right of protection within the State, to stockholders of the United States' Bank ; or on what fair grounds and reasons the Federal judiciary can encroach on the domestic arrangements and sovereign rights of the States. The prevailing idea among the Federal judges is, or seems to be, that the States are subordinate corporations, and under the control of the General Government ; instead of taking for granted the real fact, that the General Government is a creature, an agent, a derivative authority, subordinate to the States, who are sovereignties independent of the Federal Government, excepting so far as the Constitution, by consent of the States, enables that Government to act.

The right of internal taxation for domestic purposes where it is not expressly conceded by plain and distinct enumeration in the Constitution, is one of the reserved rights of the States, which, if they are true to their own citizens, they will not permit to be infringed. By and by some general-welfare Congress, in alliance with the federal judiciary, and aided by the all commanding influence of the United States' Bank, will proceed to annihilate or to transfer one by one, every right that we fondly deemed the permanent property of the several States in their sovereign capacity. All this is not vague and hazarded conjecture; the plan was commenced under Mr. John Quincy Adams and his general welfare, and American System administration; it is now in manifest progress; and such is the public apathy, it may well succeed.

We submit this long catalogue of privileges and immunities to the deliberate reflection of the reader; and may now venture to inquire, whether they are all necessary, and proper, and constitutional, as incidental means of carrying into effect the enumerated powers nowhere mentioned or suggested in the charter itself? Powers that the reader may suspect and conjecture, but cannot know with certainty and precision from a perusal of that instrument.

As to the *next* object of inquiry, whether the United States' Bank interferes improperly or unfairly with the just rights and reasonable expectations of the State Banks—it is manifest that the intrusion of five and twenty or thirty branches, each of which absorb almost all the circulating cash in their vicinity, cannot but greatly interfere with the Banks of the State, which are generally brought in debt to the branch in their neighbourhood. That any State has a right to protect its domestic currency, and to expel the branch of the United States, we have no hesitation to affirm on constitutional grounds; any more than we doubt the right of Virginia to punish the Lottery office keepers from Columbia, who offend the laws of Virginia. The decision of the Supreme Court on that subject will never be considered as constitutional law, by those who hold to the doctrine of State rights.

At the same time, we are inclined to give full credit to the reply of Mr. Biddle to General Smith, that the Bank of the United States had never oppressed the State Banks. These latter have been rigidly kept to cash payments by the Branch Banks of the United States, but we can see nothing unfair in this, although the cash of the district is almost monopolized by the branches. Still, a promissory note to pay cash on demand, is a breach of faith, and fraudulently issued, if it be not intend-



ed to pay it in cash, when that cash is demanded by the holder, be he whom he may.

The question, however, is not whether, under the present administration of the Bank of the United States, the State Banks have actually been oppressed; the question is, are they liable to oppression? To this question, Mr. Biddle answers, *there are very few Banks which might not have been destroyed by an exertion of the power of the Bank of the United States.* Ought this power of destruction to be granted to any institution whatever? Domestic currency may be as necessary to particular States, as a general currency is to the United States; and if they do not take effectual measures to protect the rights of their own State and its citizens, they ought not to complain.

The next consideration is, what modification of the present Bank, or what substitute for it can be adopted, when its charter expires? By that time, the national debt, it is to be hoped, will have been paid off, and our annual expenditure, under ordinary circumstances, reduced to TEN millions, beyond which no honest man would agree to have it extended. If a Bank is to be continued for the purpose of facilitating the distribution of the revenue, and a Bank for that purpose now, requires a capital of thirty-five millions of dollars when the revenue is twenty-five millions, a capital of fifteen millions ought to suffice, when the revenue is only ten millions.

All these magnificent and mammoth plans, are the servile copies of British examples, and proceed from the British notions of the federal party. Because, in England, they had one, great, chartered Bank, connected with Government, it was thought advisable that we should have a similar institution here. They are heartily tired of it in that country, and if we have republican common-sense in this, we shall, with good reason, become heartily tired of our own. Would to heaven, the people could be made to understand the great truth, that all Government institutions are either meant as jobs for the benefit of individuals, or may be converted into that species of political bonus. Intrust your Government, therefore, with not one cent that you can withhold; a Government is the most thankless, careless, wantonly-prodigal, and unreflecting spendthrift, that human ingenuity has ever yet set afloat to dissipate the wealth of the wealthy, and the pittance of the poor. This is not careless, thoughtless, wordy declamation; history, ancient and modern, will justify every expression; and we profess to give it as true to the letter. We agree, we cannot do without a Government; but in what country, at what period, ancient or modern, have not the people paid a most unnecessary and extravagant

price for the machine so denominated, and for all the attached machinery that follows in its train? That is the best Government, that governs the least, and at the least expense, so as that the country shall be defended without, and peace and good order preserved within.

If a new Bank is determined on, the first thing to be done, is to procure a Convention of the States to give to Congress the power of establishing such an institution. Hitherto, Congress has boldly *usurped* the power. The Constitution does not give it; the Convention refused to give it. The law establishing it, is unconstitutional and void; and on that ground may well and properly be resisted. We consider this part of the question as settled against the Bank. Moreover, constitutionality is not a legal question; all the laws of a State, and of the United States are subsequent to, and founded on the Constitution, from which every legislature derives its power. The State Constitution is not the work of the State Legislature, but of the people of each State; and the Federal Constitution is the work of the people of the United States, convened by States, represented as States, voting by States, and deciding by States. It is, therefore, like criminality, a popular, not a legal and technical question; it is for the jury, and not for the Judge exclusively, to determine. It is high time these notions should be examined, and if just, as we believe them to be, practically adopted. If a court may tell a jury, the Constitution is too technical and abstruse for you to comprehend; leave it to us; adieu to the sovereignty of the States, and the rights of the States!

Law is a science, a profession, requiring long study and practical experience. It has a technical phraseology, and technical rules, and requires, as every lawyer acknowledges, a legal understanding artificially formed, to expound it correctly. There is, therefore, good reason for the maxim, *ad questionem facti respondent juratores; ad questionem legis, respondent iudices*. But in the Constitution, there is nothing technical; its phraseology is popular and intelligible; it is addressed by the people, to the people; it is their own compact with each other in forming a civil community. Each man is required to understand it and to conform to it. Every jurymen, therefore, is competent to affix a meaning to the words used in it, and to judge of its plain intent and meaning. It contains no barbarous Latin, or old Norman French, nor is it filled with all the learning of contingent remainders and executory devises. It is the law of the people, made by the people, for the people, and addressed to the people.

This essay, we trust, will be read by jurymen ; and some of them will understand their rights, and exercise them, whether the technical notions of a bench of judges agree to it or not. Why is not the Constitution made a school-book ? When such a Bank is again established, *if it should be*, the enumerated powers to which it is incidental and subservient, should be specifically detailed, with the mode and manner prescribed of executing them ; with control sufficient, vested in the General Government, to prevent malversation ; and the power of forfeiting the charter for misconduct. No charter should be granted for a capital so large as to give cause for reasonable apprehension to the other Banks ; and in such a charter, no more power should be given, than is absolutely necessary to effect the purposes intended.

But we do not believe that any such institution ever will be chartered by Congress, which has no right to charter it, unless previously sanctioned by a Convention. We see no necessity for it ; and without a strong feeling of its necessity beyond mere convenience or utility, another Bank under Government auspices, would neither be prudent nor just. We are somewhat wiser now than we were in 1816, and the circumstances of that day are not likely to occur again. We do not pretend to any opinion by which others ought to be guided ; but we see nothing difficult in transacting the business of Government by means of *cash-paying* State Banks and private Banks, with or without an establishment for treasury-certificates to be issued, religiously based on the coin actually in the treasury, and in no other way employed as a Bank. But there are so many wise and practical men, of sufficient experience, who might be consulted on the general plan and all its details, that we see no difficulty in giving permission to the present Bank to wind up its concerns, and retire. *Requiescat in pace.*

Can we, in the United States, dispense altogether with Banks, and a paper currency ? It is a difficult question. Mr. Gallatin, (*American Quarterly Review* for Dec. 1830, p. 490) states the whole currency of the United States at sixty-three and a half millions of dollars on the 1st of January, 1830. Considering, that, as according to Mr. Crawford, it was one hundred and ten millions in 1816, it may be well reckoned at one hundred millions now. Since it is true, that with one Bank at Paris, and one at Amsterdam, France, and Holland, and Hamburgh transact their immense commerce—countries of circulation, where the Bank is but a speck on the canvass—we see not why *we* may not get on without Banks. We grant that we cannot command one hundred millions of specie ; and that foreign and

inland bills must form a great part of the circulation ; but we cannot distinctly see any necessity for bank notes. Granting even the expediency of bank notes, why not leave the trade of banking open to every competitor, with the individual responsibility of all the partners ? The public will, for some years *perhaps*, be cheated ; but even this, is granting too much ; have they been so in Scotland ? Are Banks any where more stable than in that country of good sense, where the system we propose has been, for many years, in full operation with the most decided success ? Every Bank incorporated, is an establishment of monopoly ; it is in contravention of the American System of equality ; it is an unjust usurpation of power unjustly exercised, by the legislature.

If we must have Banks, let them be on the free-trade system ; no favour or favourites ; let them, like all other speculations, be open to public competition ; and succeed to that degree only which they may deserve, from a public sense of their convenience and utility.

In fact, the benefit of Banks is most egregiously overrated. The great argument in their favour is, that they permit at least two-thirds of the hoarded specie-capital to leave the vaults in which it is buried, and go forth seeking for productive employment, while an equal amount of bank credit answers all its good purposes. Be it so. What do we save by it ?

Let the whole circulating currency be one hundred millions.

Let two-thirds, or sixty-six millions of this be released from a state of idleness and sent abroad to work for its own living.

Let the rate at which money can be borrowed, be five per cent. A per centage, at present, sufficiently high, considering the competition-capitals of the European market as well as our own ; but six per cent would make no difference in the argument. We could borrow, therefore, sixty-six millions at five per cent. or for three and a third millions per annum.

Hence, the boasted saving of all the Banks of the country, supposing they traded fairly, is not more than three and a third millions per annum.

It is true, the Banks will issue four and five and six times the quantity of paper that there is of specie in their vaults ; but this speculating method of proceeding is not beneficial to a sound state of currency, nor to the public ; though it may answer the purposes of limited liability.

One hundred and thirty-five Banks with a capital of twenty-four and a half millions of dollars, have totally failed between January, 1811 and Jan. 1830. (Mr. Gallatin, *American Quarterly Review*, No. 16, p. 486.) The loss to the public is not

confined to the twenty-four and a half millions of dollars, but extends to the whole amount of unredeemed paper issued upon that capital. We greatly doubt if all the benefits of all the Banks have compensated this single item.

Of all the classes of society who suffer by fraudulent and excessive issues of bank paper, the poor, the working classes, those who live from day to day, or from week to week, and cannot afford to starve for a month together—are the greatest. It is upon them, that the system acts most severely; they cannot discern the effects of contraction and expansion; they feel the blow, but know not whence it comes. Banking, therefore, appears to us eminently calculated to increase the very greatest of all the evils of modern society, and the most difficult to be remedied—the enormous inequality of the distribution of wealth, and the inadequate comforts of the productive classes. But these reflections would lead us insensibly to a train of thought, that has no business to intrude itself here.

Since the preceding Review was written, the following statement of the present circumstances of the United States' Bank has been published, evidently with the intention of bespeaking the favour of the public towards that institution. As it is a valuable document respecting the affairs of the Bank, it may be well to annex it to the preceding remarks. *Valeat quantum valere potest:*

"To the Editors of the *New-York Courier and Enquirer*.—At the meeting of the Stockholders of the Bank of the United States, held in Philadelphia on the 1st Sept. was opened by Mr. Biddle, who presented in detail, the situation and operations of the Bank. These explanations were full, clear, and perspicuous, and entirely satisfactory to a very numerous meeting; they portrayed the present very flourishing situation of this institution, and cannot but convince all, that it has been under the administration of very able and zealous managers. We learn in relation to the subjects explained, the following striking facts, which we send you in anticipation of the publication of the report, which has been ordered.

"1. It appears that the stock of the Bank, so far from being in the hands of large capitalists, as has often been said, is widely diffused among small holders;

That 1449 persons are holders of from 1 to 10 shares each.

That 901 females own - - - 29052 "

That 329 Trustees and Executors own 20446 "

That 126 Corporations, Charitable Societies, &c. - - - 14309 "

"So that more than one-fourth of the stock is held in the above manner.

"2. That the capital is distributed for the purposes of business, between the Bank and twenty-five branches; that two offices have, since 1817, been discontinued, viz: one at Middle Town, and one at Chillicothe and nine new ones established, viz: one at each of the following places:—Portland, Burlington, Hartford, Utica, Buffalo, St Louis, Nashville, Natchez and Mobile, making an increase of seven offices in 14 years; that these new offices were selected from thirty-eight applications, and that there are now applications for thirty new branches.

"That the present situation of the Bank is as follows:

Amount of Public Debt,	\$3,500,000
Do. discount on personal securities	41,600,000
Do. do. on stock	800,000
Do. do. on domestic exchange	14,400,000
Do. of circulation	22,300,000
Do. of deposits	16,300,000
Do. of specie	11,545,000
Do. of notes of State Banks, equal to specie	2,080,000

That there is to the credit of profit and loss, a surplus profit of 5 per cent 1,750,000  
 That there is an excess provision over and above the estimated loss on  
 the suspended and bad debts, deemed equal to any possible loss the  
 Bank may sustain 309,000

"4. That the bonus of 1,500,000, paid for the Charter, and the 205,888 paid for the 5 per cent stock, has been provided for, and liquidated.

"This is truly, to those immediately interested, a most gratifying state of things; but when contrasted with the situation of the Bank at the meeting of stockholders in 1822, bears conclusive evidence, that the public have been equal gainers with the stockholders, by the judicious manner in which the affairs of the Bank have been conducted. In January, 1823, the whole gross circulation was only 4,589,446, while the present circulation amounts to 22,399,447, showing an increase of sound currency of 17,800,000, better for all the purposes of internal trade and commerce, than specie, because always convertible into specie, without loss, and of far easier and cheaper transportation than the precious metals; and the specie and deposits have increased in the same proportion.

In 1822 the whole amount of loans was only	-	-	-	32,218,876
Of which the suspended debt amounted to	-	-	-	10,426,306

Leaving only actively employed	-	-	-	21,792,570
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And of this was loaned on stock	-	-	-	5,975,000
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And employed in commerce only	-	-	-	15,817,570
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And in this year the domestic exchange purchased, was only	-	-	-	7,476,000
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In the year ending August, 1831, the amount of loans was	-	-	-	56,794,000
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Suspended debt only	-	-	-	3,634,000
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Leaving an active capital of	-	-	-	\$53,160,000
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Amount of stock loans only	-	-	-	800,000
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Amount employed in commerce	-	-	-	52,360,000
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Amount of domestic exchange purchased for the year ending 1st.	-	-	-	
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August	-	-	-	40,572,000
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Actual increase of investment since 1822	-	-	-	32,249,000
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Profits for January and July, 1822	-	-	-	1,469,445
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Do. do. do. 1831	-	-	-	2,935,021
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Increase of 1831 over 1822	-	-	-	1,465,576
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"And the domestic bills purchased and drafts drawn by the Bank, and treasury transfers made, amount to upwards of ninety-eight millions of dollars. The last three years, the Bank has divided 7 per cent per annum, but the whole dividend paid the stockholders from the commencement does not amount to 5 per cent per annum semi-annually on the par cost of the stock—from all which it is evident that the Bank has been so managed, as that while it has, in a certain degree, advanced the interest of the stockholders—it has, in a much greater degree, promoted the great interest of the community, by furnishing them with the ready means of transmission of funds, far exceeding one hundred millions a year on the most economical terms, thereby proving, that, in fact, the Bank of the United States furnishes a circulating medium better than specie, since the Bank received all their paper, every where, for debts due Government, and will furnish drafts on their various establishments, at a far lower rate, than specie can be sent from place to place, and we are satisfied, that the public will join with the committee of the stockholders, in giving all praise to the zealous and efficient officer who so ably presides over this valuable institution.

Yours, &c.

"We learn from the Pennsylvania Inquirer, that the President and Directors were authorised by the meeting to apply for a renewal of the charter when they think necessary, and assent to such modifications 'as they may consider just and proper.'"—*Editors Courier and Enq.*

ART. II.—*The Youth and Manhood of Cyril Thornton.* 2 volumes, 8vo. New-York. 1827.

TALES of fiction have long ceased to be regarded as the mere amusement of an idle hour. He who seeks, curiously, to fathom the springs of human action—to mark that distinctiveness of character—and to catch those varying manners and customs, which “show the age and body of the time, his form and pressure,” will satisfy his researches, more effectually, by the examination of works of fiction, than of productions of a graver cast. They communicate to us the habits and the pursuits of the learned and the ignorant, of the serious and the gay—and enable us to trace the advance of literature and taste, from their earliest dawn, through their successive stages of improvement. Viewed under these aspects, a brief reference to the romances of earlier times, and a comparison of them with the modern novel, will not, we trust, be devoid of interest.

In the romance of the middle ages, the hero was endued with resistless strength, fearless courage, boundless generosity, lofty disinterestedness and stainless honour. His fidelity to his love “*par amours*” was unconquerable—to question the peerlessness of her charms was a mortal offence—to suspect her chastity, was infamous—to doubt her truth, was unknighly. The heroine, high-born, graceful and beauteous—skilled in riding, falconry and embroidery—versed in the mysteries of superstition and the codes of metaphysical passion, was an object of idolatrous devotion. Such personages, with a due admixture of valorous rescues of damsels from durance—of perils encountered by sea and land—of gorgeous tournaments—of enchanted forests—of saints, hermits, giants, dwarfs, magicians, fairies, dragons and griffins, constituted the *materiel* of the olden romance. In a state of society, when youthful beauty languished amidst the frivolous ceremonials of the cloister—when the occupations of manhood, were the feud, the foray and the chace—when knowledge, with rare exceptions, was confined to the meagre chronicle and the miraculous legend of the monk; and when science and the arts were comprised in the barren trivium and quadrivium, it was natural, that intense delight should be derived from descriptions of wild adventure, which gratified the curiosity, and of pomp and of pageantry, which dazzled the imagination. Ancient romances were not announced to their contemporary readers and auditors, nor were they received by them as creations of the fancy. By their

authors, they were affirmed to be narrations of facts, and the "crested baron and tissue dame" believed, as implicitly, in the feats of Arthur and his companions, of Amadis of Gaul and of Greece, of Esplandian and of Ogier the Dane, as does many a kilted highlander in the genuineness of the poems of Ossian. Though these and similar compositions are now rarely resorted to from any other motive than learned curiosity, it is to them that we are, chiefly, indebted for our knowledge of the reverence of the sex, the admiration for deeds of valour, the superstitious credulity, the rude taste, the aristocratic haughtiness, and the contempt for the people, which characterized the middle ages.

When the rage for chivalrous romances had yielded to the influence of religious enthusiasm, moralities and mysteries were addressed to the uncultivated minds of those, who were incapable of comprehending the abstract truths, and relishing the pure doctrines of the gospel. To engage their attention, it was necessary to appeal to their senses, to personify the cardinal virtues and the deadly sins, to present religion to them in the alluring garb of spiritual knight-errantry, victorious over the temptations of passion, and the assaults and stratagems of the everlasting enemy of man. With the progress of intellectual improvement, these absurdities disappeared; but during a long interval, the fictions of various kinds, which succeeded them, though shedding light upon contemporaneous habits and tastes, are, otherwise, little worthy of remembrance. The most distinguished of them, in England, (to the prose works in fiction of which country, our observations are confined,) may be very briefly noticed.

The *Arcadia* of Sir Philip Sidney, dedicated to his sister, the Countess of Pembroke "that subject of all verse," once eagerly sought for, and enthusiastically lauded, more, perhaps, on account of the chivalrous character of the author than its own merits, is now possessed by few, and only perused by the literary antiquarian. The *Euphues* and his England, of John Lyly, minute in its details of the manners and sentiments of the Elizabethan age—abounding in metaphysical discourses on constancy and love, in antitheses in ideas and words, and in affectations of learning—

" Talking of stones, stars, planets, fishes, flies,  
Playing with words and idle similies,"\*

quoted by wits, and treasured in the memories of ladies and courtiers, would, probably, not have occurred to our recol-

\* Michael Drayton.



lection, but for the "pearls of rhetoric" of Sir Piercie Shafton, in the *Monastery*. The *Atalantis* of Mrs. Manley, which describes, in gross language, the fashionable scandal of a corrupt and corrupting court, and the licentious amours of distinguished persons, under feigned names, lives only in the line of the poet "as long as *Atalantis* shall be read."\* Mrs Behn's novels, displaying some sprightliness of fancy mingled with disgusting indelicacy, are forgotten. The first novels which attracted the public notice after the period of which we have spoken, were those of De Foe, whose *Robinson Crusoe* appeared in 1719. The novelty and variety of its incidents, the plain yet impressive portrait of its hero, the distinctness and consistency of the story, and the air of truth which pervades it, gave to this favourite of the young and the old, a popularity, at its first publication, which has continued undiminished to the present time.

About twenty years afterwards, Richardson introduced what may be termed the modern novel, which was designed to "hold the mirror up to nature," to describe virtue and vice, and men and manners, so as to please the fancy, without exaggeration, and to instruct, without the formality of precept. The *chef d'œuvre* of Richardson is *Clarissa Harlowe*. Notwithstanding the tediousness with which its plot is unfolded, the improbability of many of the events, the wearisome minuteness with which they are dwelt upon, the indelicacy of some of the scenes, the frequent involution of the sentences, and the occasional coarseness of the language; yet its strong delineations of character, its elevated morality, and its irresistible power over the heart, entitle it to stand in the front rank of modern novels. He who, successfully, laboured to give confidence to virtue—to enable us to meet the ills of fortune, with firmness and resignation—to perform the parts assigned to us in the drama of life, with propriety and usefulness, is justly entitled to the high encomium bestowed upon him by Dr. Johnson—"that he had enlarged the knowledge of human nature, and taught the passions to move at the command of virtue."

Richardson was followed by Fielding, Smollett, Goldsmith, and Mackenzie. Fielding is chiefly indebted to "the *History of a Foundling*," for the exalted reputation which he enjoys. We know no novel that exceeds it, in the lucid and skilful arrangement and conduct of the story—in faithful specimens of *English* society—in sarcastic wit, playful irony, vivacity of description, and an undeviating adherence to nature; and in the striking delineation of characters, of the most opposite dispositions and pursuits.

\* Pope.

Smollett's Roderick Random, Peregrine Pickle and Humphrey Clinker, by no inconsiderable portion of the literary world, have been ranked with "the History of the Foundling." In fertility of fancy, and richness of invention, in deep pathos and in broad humour, in the copiousness of his incidents and the wider range of his characters, Smollett is superior to his rival; but his stories are carelessly digested and clumsily managed—his heroes, generally, have little hold upon our sympathies—his heroines, Aurelia Darnell excepted, are tame and uninteresting—his descriptions often run into caricature, and his humour frequently degenerates into buffoonery. To Smollett, we think, must be allowed the possession of a more brilliant genius and of a more creative imagination; and to Fielding, a purer taste, a more elegant style, a nicer skill in the construction and development of his incidents, and a more faithful representation of the passions and the feelings which govern and influence mankind.

If literary merit is to be estimated by popularity, few works are to be preferred to Goldsmith's Vicar of Wakefield. In spite of some glaring improbabilities, the tale, though simple in the extreme, is interesting. The narrative is easy, and the style flowing and chaste. The calm resignation of the Vicar, under the severest trials, his fervent piety, his practical virtue, his boundless charity and his parental tenderness, constitute the *beau idéal* of unaffected dignity and moral sublimity, whilst his unconscious pride in the beauty of his daughters, and his pedantry and ignorance of the world, tend to heighten the effect of his spotless worth and unwearied benevolence, by reminding us that he is formed of mortal elements. Mrs. Primrose, with all her economy and prudence and conjugal affection, seduced by motherly indulgence, to counteract her husband's wisest plans by her own shrewd contrivances, affords a fine contrast to his undoubting confidence. These and other admirably drawn characters, with graphic descriptions of the quiet occupations and humble engagements of domestic life, interspersed with scenes of exquisite tenderness and of genuine humour, impart to the pages of the Vicar of Wakefield a charm which is long remembered, mingled with a regret, that its author should have written so little, in that species of composition, in which he was so eminently qualified to excel.

Mackenzie is peculiarly the novelist of the heart. He combines no elaborated series of incidents to terrify or surprise, but contents himself with common events, inartificially woven into a tale, for the purpose of developing those nice and delicate

springs of human action, which exercise a potent sway over the refined and sensitive, although they are unfelt by the votaries of ambition and of avarice. In executing this design, he melts the heart, purifies the soul with elevated morality, forcibly inculcates the dangers of temptation, and demonstrates, by felicitous examples, that our affections and inclinations, however blameless or amiable the source in which they originate, unless restrained by reflection and prudence, conduct us to error and to crime, to wretchedness and remorse.

Since the publication of the works which we have, rapidly, sketched, numerous competitors, in the same field, have appeared, whose particular claims to notice, we shall not investigate. There never was a period so prolific in prose works of fiction, as the present. They flow in an uninterrupted stream, not only from the pens of professed authors, but of lawyers, physicians, statesmen, officers of the army and navy, leaders of fashion, the fair sex, and even of ministers of religion. The most distinguished among this mass, are Scott, Godwin, Galt, Hope, D'Israeli, Bulwer, James, Madame D'Arblay, Miss Edgeworth and Miss Austen.

In the few observations which we shall submit, as to the differences existing between the reigning novelists and their predecessors, we exclude Sir Walter Scott. He stands upon an eminence, to which approaches have been made, but no one has placed himself by his side. As in an intellectual rainbow all the various colours and hues of thought are reflected from his creative mind. He derives the incidents of his tales, from the rude ballad, the popular tradition, the records of history, the black letter of archaiology, the legends of superstition, the fables of romance, and the sober suggestions of reason and common-sense. These ample stores are adorned with so rare a combination of invention and judgment, pathos and humour, learning and taste, general speculation and individual accuracy, that were not the fact indubitable, that the "Waverly Novels" proceeded from one person, we should suppose them to be a selection formed from the choicest compositions of a long series of the most gifted writers.

When Richardson, and Fielding, and Smollett flourished, although the barriers which were formerly interposed between different orders and ranks, had been, to a considerable extent, removed, still birth and station maintained so much of their ancient stateliness and reserve, as to exclude that ease and familiarity of social intercourse, which are necessary to a clear comprehension of the character of man, in the various situations in which he is placed. These writers and their contemporaries,

therefore, furnish us with general descriptions, conveying to us accurate conceptions of our species, as divided into classes and orders, and of the peculiarities and habits by which these classes and orders were distinguished; but beyond this, they scarcely advanced. They rather pourtray groups and assemblages of the human race, than the peculiar forms and features of the members of which it is composed.

By the French revolution, the manners and usages of a refined and populous kingdom underwent a radical change, the effects of which were not confined to its own territories. They were visible on the continent of Europe, and extended to the dominions of Great-Britain. That revolution had a powerful tendency to elevate the condition of the gentry and the middle classes of England, and to introduce a state of society, in which different ranks mingled together, without that formality and restraint, which had formerly prevailed. The civility of the peer was no longer regarded as condescension—an acquaintance with him no longer esteemed an honour, by the commoner. The doors being thus thrown open to a wider and more perfect knowledge of man, stripped of artificial delusions—his adventitious qualities were separated from those which were natural, and the real motives by which he was actuated, were discovered by the keen observer.

This change in manners is strikingly apparent in the works of the more recent novelists. They do not circumscribe their views to genera and species, which receive a colour and a tone from technical and conventional causes. They descend into the bosom of man—explore its depths and shallows, and lay bare the wanderings of the heart. They catch the idiosyncrasies of the temper and disposition, and present to us the individual, amidst the hustle of the world, and in the privacy of retirement. They represent human life as it is, a chequered scene of good and evil, of hope and fear, of joy and sorrow; and describe the conflicts between duty and desire, reason and passion, under the infinite variety of circumstances to which all are more or less exposed. Such works differ little in utility from moral essays and metaphysical treatises, whilst by the allurements of style, of amusing details, lively effusions of fancy, and of the curiosity excited by the story, they keep the attention more fixed, than abstract disquisitions and dry discussions, and thus produce upon the reader a more agreeable and permanent impression. He who will take the same pains to study the philosophy of novels, as did the elder of the two scholars in his journey to Salamanca, to unravel the meaning of the epitaph of the licentiate, Pedro Garcias, will be rewarded for his

trouble, by an acquaintance with the human mind, not less instructive in the stories of *Gil Blas*, of *Old Mortality*, and of *Ennui*, than in the volumes of *Hartley*, *Hutchinson* or *Reid*.

The novel of which the title is prefixed to this article, did not immediately attract the public eye. In Great-Britain, it was first noticed in the *Quarterly Review* for March, 1828, and in the *Edinburgh Review* for October, 1830. Although both of these *Reviews* speak of it with high praises; yet in the former only two, and in the latter only three pages are dedicated to its consideration, including a page and a half of quotation. The unfavourable inference which might be drawn from its failure to produce an immediate impression, is, by no means, conclusive as to its merits; for *Goldsmith's Vicar of Wakefield* remained in manuscript for two years, with its purchaser, a wealthy bookseller, who distrusted its success, until after the publication of the *Traveller* had established the fame of its author.

There is nothing remarkable in the construction of the story, in "*Cyril Thornton*," or in the arrangement or management of its incidents. Its characters are numerous, taken from various classes and conditions, and generally drawn with uncommon force and discrimination. The style, with some exceptions, is correct and classical, and occasionally powerful and nervous.

*Cyril Thornton* was the youngest son of an English gentleman of ancient and respectable descent. Having, accidentally, been the cause of the death of his elder brother, his father withdraws his affections from him, and disinherits him. At the age of sixteen, he is sent to the university of *Glasgow*, where he wins the favour of a wealthy and eccentric uncle. He afterwards enters into the army, and is upon duty at *Halifax*, in *Nova Scotia*, *Gibraltar*, *Ireland*, *Portugal* and *Spain*. In the two latter countries, he participates in some of the battles against the French, which he describes with singular ability. At *Roleia*, he is taken prisoner, and after being liberated by the Convention of *Cintra*, he again falls into the hands of the enemy by his own imprudence, and is carried to *Madrid*, from whence escaping, in the disguise of a muleteer, he returns to England. Not long afterwards his father dies, leaving the bulk of his fortune to his widow (the step-mother of *Cyril*) and her infant son. As he was in a state of extreme imbecility of mind and body, when he executed his will, *Cyril* resolves to contest its validity, and takes the necessary measures for that purpose; but before the trial of the cause, his brother dies, when he makes a compromise with *Mrs. Thornton*, by which he is put into the possession of his paternal estate. After arranging his domestic affairs. and engaging himself to be married to the beautiful and

fascinating Lady Melicent de Vere, he rejoins the peninsular army. At the battle of Albuera he receives several wounds, the consequences of which were the disfigurement of his face by a scar, and the loss of his left arm. In this altered condition, Lady Melicent abandons him. This disappointment in love overwhelms him with the deepest affliction and despondency. At length, overcoming his unavailing and unmanly regrets, he marries the gentle Laura Willoughby, quits the military profession, and retires to the seat of his ancestors. Such is the outline of the story, which is diversified with many subordinate incidents, generally introduced without confusion, or distracting the attention from the main design; but, in our judgment, the principal merit of this novel consists in the vivacity and spirit which are displayed in the characters and descriptions with which it abounds. Of these we shall present our readers with some specimens. We will commence with one co-eval with an early period of our hero's life:

"Of my grandmother (he says) I have a distinct and vivid recollection. I remember a stately old lady, in an *oreille-d'ours*-coloured silk gown, with a pyramidal head-dress, an enamelled snuff-box in her hand, and a ponderous gold equipage at her girdle. I remember, too, the insidious delight taken both by my brother and myself in getting behind her chair, and tugging at the lace-lappets, which depended from the apex of her coiffure. She died, and I was allowed to join in paying the last duties to her remains. The pomp and splendour with which the earthly tabernacle of my grandmother was restored to its kindred elements, made a prodigious impression on my young imagination. The hearse, in all its plumed and melancholy grandeur; the crimson velvet coffin, with its gilt escutcheons; the sable mutes, and the long and sombre procession, contributed to people my mind with ideas to which till then it had been a stranger. There is something wild and shadowy in death to the imagination of a child. It is surrounded by a certain dim grandeur and awful solemnity, which perhaps his very ignorance of its nature, tends rather to increase than diminish. He reads in the countenances around him, that something of dread and terror has befallen them. He learns that a being from infancy familiar to his eyes, and at whose approach, perhaps, they ever brightened, shall meet them no more—that he is gone to a far distant land, from which he never will return. He knows this, and he knows, likewise, that this is *not all*. There is something still beyond, with which his understanding vainly strives to grapple. Death is an abstraction too pure for the comprehension of a child; and when, in the gradual dawning of his intellect, it becomes intelligible, he finds that the dispersion of the mist which obscured the summit of the mountain has added nothing to its splendour and sublimity. For myself, while the funeral pageant of my grandmother impressed me with feelings of respect for her when dead, of which, when living, I had been far from betraying any

symptoms, I likewise drew from it my first lesson of the transient nature of human glory, by observing how speedily she was forgotten." p. 4.

The characters of the father and mother of Cyril are well drawn and happily contrasted :

" My father was a man of retired habits and reserved manners. I have already stated, that, on the death of my grandfather, it had been found necessary to sell a large portion of the family estates. This was a severe blow to my father's pride, and one, I think, from which he never afterwards recovered. At no period of his life had his taste led him into expensive pursuits, nor had he launched into any expenditure unsuited to the liberal establishment, which the world considered it fitting for a person of his station and expectations to maintain. The portion of his fortune which still remained to him, was amply sufficient for the supply of all the comforts, and even elegancies of life ; yet the dismemberment of his hereditary property was not the less severely felt by a person of his temperament, because it involved no curtailment of his own personal enjoyments. The wound rankled in his mind and a change in his character was thenceforward visible to all. Before this event, my father had been accustomed to move among the magnates of the land, with that due feeling of consequence and equality which belonged to his birth and fortune. He had entered life with the feelings of a high-born English gentleman, knowing his proper station in society, and neither betraying petty jealousy of his equals, nor kiping the heels of his superiors. It was now different. From the loss of property the loss of influence was inseparable. He was no longer selected as the foreman of grand juries, or the chairman of quarter sessions. His hall, at Michaelmas and Ladyday, was no longer crowded with the throng of tenants, who came to pay their rents or solicit forbearance: ' Like angel visits, few and far between,' they now came singly in ; and though the steward still received them throned as formerly in his elbow-chair, and with all his former solemn courtesy, the life and bustle of the scene was gone ;—

" 'Twas Greece, but living Greece no more."

\* \* \* \* \*

It is not in all cases that the uses of adversity are sweet. In my father's they certainly were not so. He became irascible and morose, and jealous of those small attentions and trifling distinctions in society, to which birth affords, probably, the best claim, but to which wealth is the surest passport. In attempting to conceal, even from himself, the mortifying fact, that he was now become a much less considerable person than formerly, he assumed an air of austerity in his own family, and of dogmatism in society. He refused the county-hunt access to his fox covers, became litigious about the extent of his manorial rights, cut the Vicar for saluting him with a familiar nod, and succeeded in getting himself almost unanimously voted, both the worst neighbour, and the most disagreeable man, in the county. Henceforth my father's life was embittered by a series of difficulties and disappointments, petty indeed in their nature, but not on that account less galling to a mind so

morbidly sensitive as his. He imagined himself slighted, and knew himself to be disliked. He was probably both ; but the cause was to be found, less in his change of circumstances than of character. \* \* \*

"My mother was the daughter of a dignitary of the church, and brought with her little accession either of blood or of fortune. But she brought what was better, and more valuable than these, an excellent understanding, and an affectionate heart. She had been a beauty in her youth, and, during two seasons which she spent at Bath with her father, her charms had been the object of general homage and admiration. Circumstances of which I have acquired a knowledge, induce me to believe that her marriage with my father had been one rather of prudence than of love. If this was so, ~~it~~belied the common prediction with regard to such marriages, for the union was not an unhappy one. It was, indeed, impossible, I think, to know my mother in the intimate relations of domestic life, and not to love her. While her conduct, as a wife and mother, was truly exemplary, her cheerfulness and benevolence of disposition tended greatly to soothe and soften the inequalities, to which my father's spirits were habitually subject ; and she threw around her an elegance and refinement, of which the whole establishment unconsciously partook." pp. 5-7.

Cyril becomes the melancholy, though guiltless cause of his *elder* brother's death, and the effect which this accident produces in his father's feelings towards him is powerfully imagined and forcibly described. The violent grief of the parent and the curses imprecated by him upon the head of the murderer not only of his darling child, but of his heir, are succeeded by a coldness and formality in his behaviour to Cyril, which terminate in an irrepressible antipathy and an utter disinherison of his affections and his property. He never could get rid of the cruel suspicion attached to the idea that when Cyril killed his brother, he had also removed the only bar between himself and the inheritance of his ancestors :

"With my father it was different. Like a stroke of God's lightning had the blow descended on his head ; and the consequences were at first terrible. He rolled in the dust—he grieved, and would not be comforted. Dreadful and agonizing were the pangs he suffered ; till at length he lay exhausted by the intensity of his anguish,

"And show'd no signs of life, save his limbs quivering."

Then in the bitterness of a wounded spirit he uttered curses on the author of his bereavement. Oh, how witheringly did they fall on my mother's heart ! She knew that, till then, her cup of misery had not mantled to the brim. She knelt at his feet, and implored, vainly implored him to recall the dreadful words. Then she told him, what as yet he knew not, of my danger—of my madness. In the agony of her despair she brought him to my bed. My father heard there the sounds of suffering and delirium that burst from me, and he gazed on my



fiery eyeballs and haggard countenance. Then only it was that he recalled the dreadful curse he had invoked, and with a penitent and softened heart, bedewed my temples with his tears.

"Yet I believe he never perfectly forgave me. On my recovery, his manner towards me was kind, and unmarked by any of that austerity to which I had been accustomed. He studiously avoided any recollection which might disturb that mental tranquillity so essential to the complete restoration of my health. Still there was ever about him something of coldness and constraint, that told me I could never more be the object of his love. I knew and felt this. My mother, with affectionate earnestness, endeavoured to combat this growing dislike, and to turn the current of his affection into its natural channel. Never, surely, was there a warmer or more impassioned advocate. She directed his view to all that was good and praiseworthy in my character, and enlarged on those qualities and talents which appeared to her partial eyes to give large promise of future distinction. But in vain. There was a barrier that could not be surmounted; and the place which Charles had filled in my father's heart was destined to remain for ever in abeyance." pp. 19, 20.

The succeeding scene occurred after his return from Glasgow, but we shall introduce it in this connexion. It took place soon after the death of his mother.

"When we met, his reception of me was cold and embarrassing. Since he last saw me, I had studied, and with some distinction, at college. My mind had been opened and enlarged—I had laid up some trifling stores, at least, of liberal and useful knowledge; and my father was himself a man of elegant taste and literature, well qualified to discern and appreciate the extent of my acquirements.

"Whatever change in these respects, however, was discernible, he regarded without interest, and to him my mind was destined to remain a sealed volume, the contents of which he cared not to know. We were, in short, as two planets kept separate by a repulsive power which, while it prevented the possibility of nearer approach, unfortunately was not opposed to an unlimited divergence." p. 144.

\* \* \* \* \*

"While I was endeavouring to arrange my ideas for an eclairsissement, and hesitating whether I should solicit an interview verbally or by a letter, I received one morning a message from my father, commanding my presence in the library. My heart throbbed violently, for I felt the long-looked-for moment was come, in which the character of my future prospects, perhaps the happiness of my life, was to be decided. Endeavouring, therefore, to concentrate my ideas as much as, in the agitation of my thoughts, was possible, I proceeded to the conference, filled with the deepest anxiety for its result. When I entered the library, my father was seated at a table, engaged in writing; but on my entrance he rose, and having twice paced the apartment, remained standing in front of the fireplace. Then turning towards me, and looking at me for the first time, he said, 'be seated.' I obeyed.

“‘I have sent for you, sir, continued he, ‘because I think the time has at length arrived when it is fitting we should come to a mutual and clear understanding. You are a young man, and have your way to make in the world. Have you thought of a profession?’

“‘Long and deeply.’

“‘And, of course, feel that your own knowledge and experience are of themselves perfectly competent to decide your choice? Is not this so?’

There was something of a sneer discernible on his countenance as he spoke, and I did not answer. He went on.

“‘You say you have considered the subject of your future profession long and deeply—coolly and dispassionately had been better words, and more to the purpose. You had once a boyish inclination for the army. Does this still continue, or has some newer whimsy supplanted it?—Speak, sir.’

“‘My sentiments are still unchanged. I feel that for no other profession has nature qualified me. In a military life are centred all my hopes and wishes, and my heart tells me I must be a soldier or nothing.’

“‘So, I thought as much; and since I now understand your views and intentions, it is fitting you should understand mine. Mark well, sir, what I am about to say, for every syllable of it concerns you deeply. When Dr. Lumley formerly communicated to me your wishes in regard to a profession, I need not tell you I had *two* sons, and *you* were the younger. As such, you could expect but a slender provision, and the military life is one in which poverty is, perhaps, attended with fewer evils and privations than any other. I did not, therefore, think it necessary to oppose your inclinations. Since then, you know how the aspect of this family has been changed. Deep and sad changes have occurred. Your elder brother is no more, and of his death *you* were the cause. I do not mean to accuse you—the *innocent* cause, if you will—but still by that very hand,’ pointing as he spoke, and slightly shuddering, ‘he received his death; and when you returned I saw it,—yes, I saw it—red with his blood. Nay, I would not willingly wound your feelings,’ observing my emotion, ‘but I have often thought, and cannot but still think, how much sorrow and suffering had been spared us all, had it but pleased God that you had never breathed, or had been mercifully snatched from us in the cradle.—Compose yourself.’

I had indeed need of composure. Had I been stretched on the rack, I feel convinced my sufferings would have been less acute than those I endured during this harsh and unfeeling address. As he uttered it, I kept my eyes fixed on his countenance, as if with all my energies collected to brave the storm. Not once, even when his words pierced deepest, did I withdraw them. At one moment it seemed as if he quailed beneath their gaze, for he turned his face half from me, and looked upon the ground. I endeavoured with all my strength to be calm, and my face, I believe, was so; but beneath, every nerve and muscle of my body seemed heaved into distinct and separate action, which I had neither the power to command nor to repress. My frame shook as if with an ague. My father betrayed signs of vehement emotion, both in speech and gesture, and the composure he prescribed to me was evi-

dently not unwanted by himself. He paced several times up and down the apartment, and then confronting me, in his former station, he resumed :—

“ You are now an only son, and probably expect to enter on life with greater advantages and higher prospects than before. The world, of course, look on you, and you perhaps look upon yourself, as the heir to this estate. Indulge not in such a delusion. It is but justice to let you know your real situation. While another child of mine survives, Thornhill will never be yours. Such is my determination ; and if you view it calmly and aright, you ought not, you cannot wish it otherwise. You have been made the instrument of Divine vengeance on your family. Would you accept reward for this ? Through your murderous negligence your brother lost his life. Would you, could you turn fratricide to profit, and take wages for your brother's blood ? Think you wealth thus acquired would come to you unburdened by a curse ? Or could you for a moment drown, amid its poor pitiful enjoyments, the remembrance of the price you paid for them ? Believe me, in this respect, at least, I am not unjust to you, and doubt not that you would cast from you, as a loathsome thing, fortune so detestable and unhallowed in its acquisition. Were it otherwise, I should disown you for my son, and spurn you from my threshold. But enough. Expect nothing from me but the provision you were originally entitled to as a younger son. You know the footing on which you will enter the world. Whatever your inclinations may be in regard to your future pursuits, I will not oppose them. But ponder well before you decide. In the church there is a living in my gift, to which, if you take orders, you may reasonably look forward. In the army I can assist you little. In this matter, however, I wish not to influence you ; let the decision be your own. At present retire, and at some other time I will be glad to learn the issue of your deliberations.’

\* \* \* \* \*

“ I reflected long and deeply on the extraordinary address to which I had recently listened. I analyzed it in my mind, and endeavoured to recall, if possible, the very words he had spoken. I did this, I think, on the whole, calmly and deliberately. Resentment I certainly did feel, but not that resentment which seeks to pervert the motives of its object. I passed in review all my conduct to my father, from my very infancy. Towards him I stood acquitted, for I felt that the natural promptings of my heart had been to love and duty. What, then, had I done, that the greatest and most terrible misfortune of my life, under which even my reason had suffered temporary obscurity, should thus be cruelly recalled, and made matter of insidious and malignant charge ? What heart but my father's could have done this ? Was it not enough to disinherit me, and, by so doing, affix in the eyes of the world a stigma to my name, without adding insult and outrage to injury, torture to injustice ? He could plead no provocation, no passion, no chafing of the blood to palliate the cowardly ferocity of this most assassin-like attack. No : it was made coolly and deliberately ; and, with premeditated malice, a vital part had been selected for every stab.

"The mere loss of fortune affected me but little, and though I felt internal consciousness that the privation was unjust, yet worldly advantages had entered too little into my calculations of happiness, to occasion any very strong or poignant disappointment by their loss. The views of youth are seldom interested; the value of wealth is learned only by experience, and experience I had none. The inheritance of my fathers was about to pass from me, but in the possession of my sisters I felt I could regard it without envy. It was against the cruel and implacable spirit which my father had betrayed towards me, that my whole soul rose in arms. The ocean, it seemed to me, could not separate us more widely than we were destined thenceforward to be divided. There was a gulf between us, which, once passed, like the Stygian river, could never be recrossed. The ties of filial love and reverence seemed to be unloosed forever, and the shackles of parental bondage to have fallen from my limbs.

"And it was so. From that hour I was free and independent. My father saw in my calm and stately bearing that his authority had passed away, and never afterward attempted to control my actions. His manner towards me was more considerate and conciliating than formerly, and when, in a few days, I informed him that my preference for a military life was decided and immutable, he received the communication in silence and bowed his acquiescence. pp. 147-151.

After the death of his brother, Cyril was despatched to the university of Glasgow, in which town was domiciliated Mr. David Spreull, the maternal uncle of Cyril, upon whose portrait more than ordinary care has been bestowed. With what success will be apparent from the following extracts :

"Mr. Spreull's counting-house was in the Trongate, and formed part of a large tenement which he had originally built, and which, from this circumstance, was generally known by the patronymic of 'Spreull's land.'

"Of this building, however, he occupied but a small portion, the rest being divided among a very numerous body of tenants, as appeared by the variety of printed names with which both sides of the outer entrance were adorned. Among these, the following notice, painted in large yellow letters, on a black ground, made no undistinguished figure, 'David Spreull & Co. first door right-hand.' I advanced in the direction indicated, and entered a chamber where about a dozen clerks appeared very diligently engaged in business. In answer to my inquiries, I was informed, that there was at that moment a gentleman with Mr. Spreull, but that it was not probable the interview would last long, and he would, in a minute or two, be at liberty to receive me. The anticipations of the clerk were correct, for I had not kept my station above the time indicated, before a person passed me from an inner apartment, and immediately afterwards, I heard the following directions issued in a loud and harsh voice, from within : 'Fergus, enter a sale of the fifty hoggits of Muscovado sugar, marked L. T. by the Mary Jane, to Mac Vicar, Macfarlane and Macnab, at ninety-four, two

months and two months.' I was now desired to 'walk ben,' and, doing so, found myself at once in the presence of my uncle.

He was engaged in writing, and did not at first look up. I had thus an opportunity afforded me of examining his person, which I did with no small curiosity. He was a man whose age it was not easy to determine from his appearance. Judging from his gray hair and wrinkled forehead, I had set him down at seventy-five, but when he turned upon me his quick and penetrating eye, I felt inclined to admit that he might be ten years younger. He was certainly a hale man, and bore about him no mark of decrepitude. The features of his face were coarse, and his nose, in particular, far transcended, both in length and diameter, the ordinary and vulgar limits of nasal protuberance. His countenance was strongly marked throughout by shrewdness and intelligence, and the curvature of his upper lip, and an habitual contraction of the eye-brows, gave indication of a temper at once irascible and pertinacious. Such, at least, were the conclusions I had come to, when my observations were suddenly cut short by their object, who, regarding me with a cursory and careless glance, thus addressed me: 'Oh, you're from Mr. Mucklehose. Just tell him from me, that I cannot agree to a total loss in the case o' the Hercules. There's a claim o' salvage and nae mair. I told him sae yesterday at the coffee-room, and there's nae use in his bothering me with messages about the matter. My mind's made up. Good morning to you.'

"Having said this, he once more resumed his writing; and I remained silent for a minute or two, partly from surprise at being thus addressed, and partly in the hope that a second glance might correct the error into which he had fallen with regard to my character and business. Of this, however, there seemed but little prospect. He appeared utterly insensible of my presence, and I at length determined to make myself known to him without further delay.

" 'Sir, you mistake. I —'

" 'What the deevil, sir, are you there yet?' exclaimed the old gentleman, his eye kindling with passion—'I mistake do I? Baldy Mucklehose will find, however, the mistake lies wi' him, if he thinks the Glasgow underwriters are to accept a total loss, for what, at Lloyd's, is considered only a case o' salvage.'

" 'Permit me, sir, to inform you—'

" 'No, sir, I want none of your information. You can inform me of nothing in the business, that I do not know better than either yourself or your employer. So, be good enough to stop your thrapple, and steek the door ahint you. I've other use for my time than to stand argol-bargol wi' you.'

So saying, he again commenced writing, and I could scarce refrain from laughing at the ridiculous position in which I was placed. Perceiving all the difficulties which opposed themselves to a verbal explanation, I determined to bring about an *eclaircissement* by the delivery of my mother's letter. He received it in silence, and, having glanced over its contents, hastily rose and advanced towards me, extended a huge, hard and bony hand, and, grasping mine, administered a shake, which, in the length of its duration, and the vehemence of its pressure, gave evidence of a cordial welcome. 'Ye're welcome to

Glasgow, Mr. Cyril—I'm happy, very happy, to see you. Ye've grown a braw big callant since I saw you last, that's now ten years past at Martinmas; but you'll no mind me, for you was then just a wee bit todlin' thing, wi' grat red cheeks, and twa wee shining een glaikin' out ower them. To an old man, like me, Mr. Cyril, ten years are no just sae long as they are to you; and it seems almost like yesterday, that I dandled you on my knee. But I maunna forget to speir after your lady-mother. I hope she's keeping stout, and no suffering mair than we maen a' expect to do as we advance in years.'

"The old gentleman still kept my hand pressed in his, while he uttered this kind and voluble address, yet it was done with the same unbending rigidity of feature, which had struck me on my first entering the apartment. His face had apparently been modelled into one expression, by the unvaried and habitual action, through life, of one dominant feeling and excitement, till it had lost the power of change, and, like sculptured stone, the look once impressed on it was to be forever ineffaceable. But though my grim-visaged uncle possessed not the power of smoothing his wrinkled front, or of relaxing at will the hard contraction of his facial muscles, still there might be discovered, in the milder and more softened expression of his eye, indication of warm and kindly feeling. It required some time to answer all his inquiries with respect to my family," &c. pp. 28-31.

The conversation was here interrupted by the arrival of a person upon business, when Mr. Spreull invites Cyril to dinner, and they separate.

The foregoing extract, though a long one, could not have been curtailed without injustice to the author. It presents to us a portrait painted with the clearness of colouring and the minute fidelity of the Dutch school, and with a view of the inward man beyond what any painting can effect. The disposition of David Spreull was, originally, kind, his affections warm, his temper susceptible of strong and lasting impressions. Being the younger son of a highland laird, his father's estate descended upon an elder brother, by whom, though possessed of ample means, he was refused a small sum of money, towards aiding him in the commencement of his worldly career. This harsh treatment from one so near to him by blood, he visited upon all mankind; it rendered him unsocial and misanthropic; he never forgot the unkindness, nor did he forgive it, until he followed the remains of his brother to the grave. A poor and friendless boy, he got admittance into a counting-house in Glasgow. By rigid economy, patient assiduity, and undistracted attention to a single object, and the exercise of a sound and cautious judgment, he gradually accumulated immense wealth. In its acquisition all his thoughts were absorbed. He speculated upon men and things, that he might avoid being deceived by an

agent, or over-reached in a bargain. Society, to him, was a blank. For him, conversation had no interest, unless upon matters of profit and loss. His pleasures were comprised in a few domestic comforts—a snug room, a loose gown, a pair of easy slippers, and an arm-chair by the fire-side—a few national dishes dressed to suit his palate, and a moderate indulgence, after the labours of the day, in a bowl of punch, skilfully and methodically compounded by himself. But habits, however undeviatingly pursued—occupations, however circumscribed and selfish—however calculated to lead their follower from the interchange of those social duties and charities which impart a charm to existence, and connect us by a sympathetic bond with our species, had not withered in his bosom the benevolent feelings which he had originally cherished. These feelings had been blunted, but they were not extinguished; and the spectacle of Cyril, in the bloom and freshness of youth, the contrast between his artlessness and simplicity, and the reserve and craft of those by whom he was surrounded, kindled into a flame the latent spark of his affections. Rebel nature had not been expelled from his heart; and whilst warmly welcoming his nephew, he abandoned himself to the tenderness of early recollections, not the less grateful from the long interval that had elapsed since he had experienced their exhilarating influence.

After the expiration of his college term, Cyril was directed by his father to return home, and on his way, to stop at Staunton-court, the seat of a distant relation, the Earl of Amersham. He accordingly proceeds to Staunton-court, and gives the following account of his visit :

“On descending from the carriage, I entered a circular hall of spacious dimensions, the roof of which ascended to the full height of the building, and was lighted by a cupola in the centre. The walls were wainscotted, and hung with pictures, and on a pedestal in the centre stood a statue of Charles the second, who, in the days of his adversity, had found both welcome and safety within the walls of Staunton. I was ushered across this magnificent apartment through a troop of liveried menials, and after ascending a short marble stair-case, adorned and perfumed by a double row of beautiful exotics, entered the library, which I found untenanted. The groom of the chambers then informed me, that neither Lord nor Lady Amersham were at home, and requested to know whether I chose any refreshment after my journey. To this I answered in the negative, and the attendant making a polite bow, quitted the apartment. Thus left alone, and perhaps a little daunted by the pomp and ceremony with which the scene around me was invested, I seated myself in an easy-chair, and once more gave the reins to my fancy.

"I pictured to myself the owner of this splendid demesne. 'Undoubtedly,' I said, 'he is a person of lofty carriage and finished elegance of manner; proud, for how can he be otherwise? but his is a generous pride, ever veiled in courtesy to his equals, and kindness to inferiors. Raised by his wealth and station above the petty cares and anxieties by which meaner men are agitated, he is liberal, nay, munificent in his ideas, with a hand open as day to melting charity. He is a hero—for the blood of the noblest chivalry of England flows in his veins. He is a patriot—for he cannot forget the country to which he owes so much. He is loyal—for his station marks him out as a hereditary bulwark of the throne.'

"In this manner did my imagination run on, adding new colours to the picture it had drawn, till the owner of the mansion seemed to stand before me, invested with every possible grace and excellence.

"And I am now," thought I, 'to appear in the presence of this noble and transcendent personage. With what an air of deference and respect must I address him; \* \* \* I shall, at least, do my best,' resolved I, and, rising from my chair, advanced towards a pier-glass, in front of which I began to practice such bows and deferential mode of address, as appeared to me best suited to so formidable an introduction. In order to derive all possible benefit from this preparatory rehearsal, I judged it right to suit the word to the action, addressing myself first in the character of Lord Amersham, and then framing and fitting an answer in my own.

"Mr. Thornton," said I, as his Lordship's mouth-piece, assuming at the same time an air of graceful dignity, mingled with much kindness and condescension, 'I am delighted to have the honour of welcoming you for the first time to Staunton-court. Believe me, I sincerely rejoice in this opportunity of cultivating an acquaintance which circumstances have long, too long, delayed. Lady Amersham, let me present to you our relation, Mr. Cyril Thornton. Lady Melicent, I beg to introduce your cousin.'

"My Lord," replied I, in my own character, making, as I spoke, a profound obeisance, 'do me the honour, I pray your Lordship, to accept my very sincere thanks for your kindness and condescension. To Lady Amersham and my fair cousin I —.'

"Here I was interrupted by a half suppressed titter in the apartment, a sound at that time more dreadful to my ear than would have been that of the explosion of a mine beneath my feet, or the hissing of a boa constrictor beneath the drawing-room table. I stood for an instant as if transfixed, my head bent forward in the act of addressing my noble host, and my right hand extended to receive the friendly pressure of his palm. At length, assuming the courage of despair, I determined to know the worst at once. I raised my head, and looking round, beheld two young ladies, who had evidently been witnesses of my absurd exhibition. Fancy a youth of acute, nay, almost morbid sensibility, placed in such a situation, and it is possible, barely possible, if you are a person of strong imagination, that you may form some inadequate idea of the spiritual torture I then suffered." pp. 109, 110.



The first part of this quotation is a natural and lively picture of the sensations likely to arise in the mind of an inexperienced youth, whose intercourse with the world had been confined to his home, in the country, a few neighbouring families, the professors, and his associates at the Glasgow university, when, for the first time, surrounded by the sumptuousness and grandeur of a nobleman's establishment. Nothing was more probable, than that his eye, dazzled by what it gazed upon, should have suggested brilliant conceptions to his fancy, of the dignity, the patriotism, the generosity, and the imposing air and courage of the high-born possessors of so much wealth and magnificence. But that a young gentleman of education and birth and good sense, should practice bows and attitudes, and rehearse grimaces before a looking-glass, which might, possibly, be in character, in a country-dancing master or an itinerant player, is supremely extravagant. Instead of such an exhibition being humorous, it is downright absurd and ridiculous.

At Staunton-court our hero becomes acquainted with the daughter of Lord Amersham, Lady Melicent de Vere, a Die Vernon, without her blueism, a Catharine Seyton, without her jesuitism. He falls in love, though he scarcely dares to confess it to himself, from the conviction, that his suit to one so elevated by rank and fortune, would be utterly hopeless. In truth she was "made to engage all hearts and charm all eyes," if so wide an empire could be attained by beauty, and wit, and vivacity, and grace, and mind and manners.

Whilst Cyril is luxuriating in the day-dreams of love, he receives a letter communicating to him the dangerous illness of his mother, which causes his instant departure for Thornhill, the seat of his father. He did not arrive there until after his mother's death, an event which he deploras, with the sincerest and deepest sorrow. Time allayed his anguish, and he passed some months at Thornhill, in the enjoyment of the society of his sisters, between whom and himself the tenderest affection subsisted. We have already noticed the final interview between Cyril and his father. He proceeds to London, to prepare himself to join his regiment at Halifax, in Nova Scotia, and whilst in that city, was led into pleasures and dissipations, by which the sum allowed to him by his father to equip himself for the army, was soon exhausted. In this embarrassing situation, he applies to his uncle Spreull for relief, informing him, candidly, of the errors and imprudences which had occasioned his pecuniary distress. By the return of the post, a liberal remittance is sent to him by his uncle, accompanied with two letters, which are so strongly characteristic of the national feelings and the deeply

rooted habits of the writer, that we shall submit them to the reader.

“ ‘Glasgow, 28th March, 18—

“ ‘CYRIL THORNTON, Esq.

“ ‘SIR,—We beg to acknowledge receipt of your esteemed favour of 17th current to our Mr. D. S. By his desire we now enclose a bill at sight on Messrs. Smith, Payne, Smith & Co. bankers, London, for 500*l.* which is placed to your debit. As we observe there are no funds of yours in our hands, we shall be happy to receive at your earliest convenience, a remittance to balance the debt. We remain,

“ ‘SIR,

“ ‘Your most obedient servants,

“ ‘*Per pro.* David Spreull and Co.

“ ‘JOHN FERGUS.’

“ I confess I was at first rather hurt and surprised, to find my confidential letter thus answered by a clerk; but observing in one corner, the letters T. O. in large characters, I turned the page, and found on the other side a letter in the well-known autograph of my uncle.

“ ‘MY DEAR LADDIE,

“ ‘Many thanks for your letter, and for thinking of your old uncle in the time of your trouble and difficulty; yet I’ll not deny that it has cost me a sore heart, and given me much uneasiness on your account. There’s dole in the thought that you should, so young, have fallen into such courses as you tell me of in your letter. Three hundred pounds in three weeks! never did I hear of such wasteful expense in all my born days. Fourteen pounds, five and eight pence a day! this would keep the Lord Provost, Bailies, Dean of Guild, and hail Town-Council of Glasgow in bed, board, and washing for a week! There’s an old proverb, Cyril, that a fool and his money are soon parted; and, truly, yours seems to have melted like snaw aff a dyke. I think you must have been sore imposed on by designing folk, that have been galraviching at your expense, for such a sum is not to be fairly spent by a calant like you in any way that I can understand.

“ ‘But it little matters to think of the money; could ten times, ay, or fifty times the sum do you any good, it should be forthcoming at a word, and shall be so when you want it, whether I’m living or dead. But I would give you a word of advice for your own sake, my dear laddie, even though you may think it’s no kind to do so in the time of your necessity. Remember, Cyril, you’re the last prop and stay of an ancient and respectable house. The eyes of those that love you are now turned towards you with hope and fear. Quit the evil course of life you have already entered. Be not deceived by the glamour and the temptations of vice, but maintain a douce and correct demeanour before man, and a spirit of humble piety towards God. I can only speak in generals to you, Cyril, anent such matters, for I have had no experience of the class of folk among whom your lot has been cast, and cannot warn you more particularly about the trials you are likely to meet in your path of life. But enter on your profession in a right spirit; take honour for your compass, and however you may be tossed

about by misfortune, by the Grace of God both ship and cargo will come safely to port at last. Whenever you want a friend, apply to me, and I will always take your doing so a kindness.

"By John Fergus' letter, on the other side, you will observe that a draft for 500*l.* is enclosed; he knows nothing of the why or the wherefore; but like all money disposed of to be entered in the books of the concern, and therefore I desired John to remit you the bill aforementioned, but never fash your thumb about what he says anent expecting a remittance in return. Now, may God bless and prosper you, my dear laddie, is the prayer of your affectionate friend and uncle,

"DAVID SPREULL." pp. 177, 178.

Cyril being provided with the necessary means by his uncle, speedily equips himself, and in due season lands at Halifax, where he is put upon duty with his regiment, which formed part of the garrison at that place. He is cordially received by his brother officers, whose different dispositions, manners and habits he describes with a masterly pencil. From Halifax he is ordered to Gibraltar, where he had the misfortune to be stationed, when the garrison was invaded by that dreadful scourge of humanity, the yellow-fever. The medical officers were not aware of its approach until many had fallen its victims. Every measure of precaution was vain. Its progress through narrow streets and crowded dwellings was rapid and appalling.

"It is impossible (says our hero) to conceive a spot better fitted for the dissemination of infectious disease than Gibraltar. Had the town been doubled in extent, it could scarcely have afforded sufficient accommodation to the numbers which were even then crowded within its narrow limits. The rent demanded for the smallest house in Gibraltar equalled that of a splendid mansion in London. The consequence of course was, that a domicile which could afford comfortable accommodation for one family, became the residence of many; nor was it an uncommon circumstance that fifty or even a hundred individuals were congregated beneath a single roof. The great proportion of these were foreigners; and when we consider how little attention was necessarily paid to cleanliness in such dwellings; the unhealthy atmosphere in which their inmates were condemned to live and breathe—we shall not feel surprised that all human endeavours to arrest the progress of the pestilence were in vain. I had been in such houses. In an apartment scarcely the size of an ordinary English bedroom, I had beheld the accommodation of twenty human beings, where, stretched upon a mat or carpet, they, every night, even in the hottest season, retired to rest. In such *hives* of men, when fever once appeared, it of course spread like wildfire; there the arm of death was raised to strike—who could prevent its falling?

"Weeks passed, and the fever-demon continued to stalk onward in his course, nor would stay his step even for a moment. The disease spread on all hands; lazarettoes were filled, and the number of deaths

increased till it exceeded a hundred a-day. Our regiment was stationed in the town, but no time was lost in removing us from the focus of infection, and we went into camp on a very elevated part of the hill, which gave promise of exemption from the disease raging below, in the healthy freshness of its atmosphere. Had it been possible, indeed, to cut off all communication with the town, it is probable this promise might have been fulfilled. But the military duty of the place required the presence of soldiers, and it was necessary that every day a certain proportion should descend into what might almost, without poetical figure, be called "the Valley of the Shadow of Death." Under such circumstances, it was scarcely to be expected that we should pass through the arrowy shower safe and unstricken; several of the soldiers caught the infection, and there was fever in the camp.

"The disease, whose ravages till then we had regarded with a sort of disinterested compassion, now came home to the business and bosoms of us all, and brought with it a sense of helplessness and depression even now painful to remember. Men, who have since proved themselves incapable of shrinking from death in the field, shook with the terrors of this new and terrible assailant, and would gladly have fled from a contest which cost the vanquished life, but brought no honour to the victor.

"I have always had an almost morbid dread of fever. In its slow and silent approach,—in the sudden and dreadful gripe with which it seizes on the very life-springs,—in the entire prostration of strength with which it is accompanied,—in the fearful tempest of delirium with which the spirit is at once cast down and overwhelmed,—in the horrid nightmare of the soul, the visionary yet dreadful phantoms that hover round the pillow of the sufferer,—in all these things I have ever found matter of deep and unconquerable fear. There is no other phasis of disease which brings with it, to my imagination, an accumulation of terrors so deep and awful. It is not the pain, for that I could contemplate calmly, and I trust endure patiently. It is not the death to which it leads, that could thus fright my soul from her propriety. But at once to lose all the powers and attributes of an intellectual being,—not to meet death calmly and collectedly, but, in the wreck of all the faculties, to be swept, as it were by a hurricane into the grave—this it is at which I still shudder—this it was that I found it impossible to contemplate with a resigned and resolute spirit.

"There are melancholy associations connected with this portion of my narrative from which I would gladly escape. I am unwilling, too, to attempt a description of scenes to which, though indelibly imprinted on my memory, I could do little justice in words, and which have already given full scope to the powers and genius of writers, with whom I would not willingly be weighed in the balance: yet to pass them wholly by is impossible.

"Deep gloom hung on us all. Melancholy was the daily meeting at the mess; for we had only to recount the still advancing progress of the pestilence, or the name of some companion who since yesterday had fallen its victim. But worse than all was it, when called by duty to descend into the town; to see the streets desolate and deserted, to

hear, as we passed the closed dwellings, the loud and terrible shrieks of some delirious sufferer within ; and then the horn that gave signal of the approach of the dead-cart, as it slowly rolled onwards in its dismal circuit ! Never has its wild dissonance passed from my ear—never, I believe, shall it utterly pass away, and be forgotten.” pp. 255-257.

Cyril, with the survivors of his regiment, returns to England, where he is stationary for two years. He then joins the expedition, under Sir Arthur Wellesley, destined for the assistance of Spain and Portugal. In the battle of Roleia, as advancing rapidly towards a position of the enemy, he is wounded and taken prisoner ; but is restored to liberty, on the ratification of the treaty of Cintra. Shortly afterwards, he is again taken prisoner, through his own imprudence ; and effects his escape, by the contrivance of a Spanish lady, whose sole motive for befriending him, was gratitude for the kind treatment which her son had experienced, when a captive in England. Upon being restored to his native country, he immediately repairs to Thornhill, where he beholds his father the wreck of what he had been, and sinking under the ravages of time and mental inquietude. He leaves Thornhill for Bath, and there meets with Lady Melicent. Notwithstanding her gracious manner towards him, and his undiminished love, he did not, for a moment, think of aspiring to her hand. According to all the fixed and settled rules of society, a more improbable event could hardly be imagined, than that he, a captain in the army, with scarcely any fortune beyond his pay, should carry off the daughter, and the only child, of an ancient peer, of vast possessions, the fairest of the fair, the reigning belle, and the load-star of attraction, in the highest circles of the wealthy and the noble. Though he sighed, when he reflected upon what seemed to him to be insuperable obstacles to the attainment of his desires, he indulged in no visions of a felicity, which he despaired of realizing. In his own language, he “ built no fabric of love or ambition, on a foundation so fantastic, as that of winning Lady Melicent to be the lady of his love.”

His stay at Bath is cut short, by the death of his father, which hurries him to Thornhill. Finding that, with the exception of trifling legacies to his daughters, he had left his estate to his widow and her infant son, and knowing the bodily and mental feebleness under which he laboured, when he executed his will, Cyril resolves to dispute its validity. He accordingly communicates his intention to Mrs. Thornton, and goes to London to make the necessary arrangements for the prosecution of his suit. Having accomplished this object, he avails himself of an invitation from Lord Amersham, to pass some

weeks at Staunton-court. During this visit, the arrow of Cupid, which had pierced his heart, was driven to its inmost core. After hesitations, and doubts, and fears, matters were brought to an eclaireissement; and if there be truth in words, he was the accepted lover of Lady Melicent de Vere, though, for sufficient reasons, the enjoyment was not then to be indulged. With a convulsive heaving of the bosom, and dissolved in tears, she bade adieu to our hero, who once more repaired to the seat of war, in Spain. He was present at the battle of Albuera, and narrates the particulars of it with spirit and clearness. In the course of the action, all the senior officers of his regiment having been killed or wounded, the command of it devolved upon him. Whilst leading it to the charge, he received a shot in the body, another in the left arm, and a sabre cut in the face, and was carried, senseless, to his tent. The consequences of his wounds were a painful and lingering illness, the loss of an arm, and a scar from the temple to the mouth, which disfigured his handsome countenance. Conceiving, that to woman's eye, he had become an object of disgust, he determined to free Lady Melicent from her engagement, whatever anguish the sacrifice might cost him. As he traced the words, by which he renounced what was dearest to him on earth, his sufferings were so poignant, as almost to conquer his resolution. He, nevertheless, remained firm, and related to Lady Melicent the miserable condition, to which he had been reduced, by the fortune of war—

"Thanked her—fondly, fervently and gratefully thanked her—for her love. That he had been its object would still be the pride, as it must now be the only consolation of his heart. He absolved her from her engagement, and assured her, that her happiness would be the object of his fondest prayers. Fortune had dealt him, perhaps, a hard measure, but he was resigned. Henceforward, she would think of him as one severed from her, forever, but as one whose love would only be exhaled in his latest gasp." (Such, he says, was the substance of my letter.) "As I wrote it, there was a heavy and stupifying pressure on my brain; yet I was calm, for, at the time, there was an awful stillness of passion within me, like the silence that intervenes between the sweeping gusts of a hurricane. A casual spectator, I think, would have discerned in me no external symptoms of emotion. I addressed, sealed, and despatched the letter, locked the door of my chamber, and then came the sloop of the tempest, perhaps the more violent for having been so long repressed. Such were the circumstances connected with the most severe trial of my life."

This struggle between love and high-toned disinterestedness is forcibly described; and we cannot refrain from hoping, that

she, for whom the sacrifice has been made, "*digna minus misero non meliore viro*," will press the mangled soldier to her bosom, with an affection, not only undiminished, but strengthened by distress.

As soon as the state of his health permitted, Cyril embarks for England, and takes up his temporary residence at Middlethorpe, in the family of Lady Willoughby, who had been the dearest friend of his mother, and who entertained for him the sincerest affection. After he had been a few weeks at Middlethorpe, a letter from Lady Melicent is delivered to him, which had been addressed to him at Lisbon, and from thence had been returned to England. In this letter, she sympathizes with him, in his sufferings—hopes to receive happy tidings of his recovery—consents that their engagement should cease—assures him that this consent is unconnected with his personal misfortunes, but proceeds from the conviction, that her father's approbation of their union could not be obtained—intimates that their correspondence ought to be discontinued, and concludes with declarations of the interest which she felt in his happiness, and the wish that they may hereafter meet as sincere friends. The tone of this letter seemed to be cold and heartless. It was dated, when he lay sick and wounded, in a foreign land, and within one month after the writer of it had pledged to him her vows of eternal love. About a fortnight afterwards, as the family were seated at the breakfast table, his sister (who was ignorant of her brother's attachment) read aloud from the newspapers, an account of the marriage of Lady Melicent to Lord Lindhurst, and of the manner in which the ceremony had been performed. The effect which this annunciation produced upon him, we shall relate in his own words—

"The cup which I was raising to my lips as she began to read, was still held untasted when she concluded. Then in a moment a violent and irresistible impulse seized my frame, and dashing it rather than dropping it from my hand, I sprang up, and ran from the apartment. As I passed, the hall-door stood open, and I rushed forth into the park.

"It was a winter's day. The snow lay upon the ground, and the wind, which blew from the north-east, was accompanied by violent showers of hail. There was an unaccustomed vigour in my limbs, I felt a wild desire of motion, and hurried on, I knew not, cared not whither. Often, indeed, was I obliged to stop and pant, like a dying man, for a mouthful of breath, but then, the fiend from which I fled overtook me, and again I rushed on. My reason, which had withstood many assaults, had yielded at last. The hailstones, driven by the wind, beat painfully on my face, but I thought not of this, and quitting the park, I ran madly for the uplands.

"The hare started from my foot, and fled from me afar off; and the flocks of sheep, as I approached them, ran in wild confusion from their food, as if scared by the approach of some unholy thing.

"This could not last long. I sunk at length, overpowered, amid the snow, and lay shivering and helpless. Then, for the first time, did my anguish find vent in words.

"*'Oh God,'* I exclaimed, *'why hast thou made a thing so eminently lovely, thus merciless and cruel? Does she not know that the poor, maimed, and mangled creature on whom she tramples can feel a pang as great as she, in all her beauty and her pride? Oh, why does she thus outrage the feelings of a heart that would have died for her? Yet is not her nature soft? She could not plunge a dagger in my bosom, she would shrink from the sight of a fellow-creature broken alive upon the wheel,—and yet inflicts an agony to which such sufferings are but mercy. Oh, how long must I endure the grievous burden of life, and suffer under the weight of madness and misery that presses upon my soul!'*

"*'Almighty God, to whose behests all nature ministers, grant that in these cold and wintry elements I may find the only balm for wounds like mine—death. Leave me not a desolate and wretched being in the hell of this unfeeling world!'*

"Thus madly, impiously did I rave, and the wind, as it covered me with the snow-drift, swept on, loaded with the sound of my frantic imprecations. By degrees my limbs became icy cold, and at length I was silent, for the muscles of my throat refused their office. The numbness gradually extended to my vitals, and I lay, a living being, yet without the power of motion. My faculties seemed to have recovered from their temporary derangement, and were again clear. I felt as if the union between mind and body had been dissolved, and my free spirit waited only for a signal to take its flight." Vol. ii. 193–195.

In this situation he was found by his friend Willoughby, who conveyed him to the house. After a protracted and painful illness, his health was re-established.

This is tearing passion to rags. Hamlet the Dane, "blasted with ecstasy," King Lear, driven to madness, by filial ingratitude, tearing off his clothes amidst "the pelting of the pitiless storm," were not more outrageous and frantic than Cyril, upon hearing of the marriage of one who had jilted him, an event which he had anticipated, and upon which he had deliberately reflected, after the keenness of his feelings had been subdued by the counsels of discretion and reason.

Both the extravagance of the hero and the faithlessness of the heroine are egregious blemishes in the story. Far be it from us to deny, that a woman may change her mind, that her love may be like that

"————— Syrian flower,

"Which buds, and spreads, and withers in an hour,"



—but when a female described as amiable and distinguished, with lofty sentiments, deep feelings and exquisite sensibility, suddenly abandons him, whom she had loved, in the may-morn of youth, and in the maturity of womanhood, she acts inconsistently with herself; and the author, by such a contradiction, departs from what seems to be the object of his moral—a correct and natural delineation of human life.

Cyril had resolved to bid an eternal adieu to England, and to attach himself, permanently, to the army. But the slow though sure operation of time, and the kindness of early friends, gradually soothed his mind and restored it to a healthy tone. His spirits, if not so buoyant as they once had been, were no longer depressed and gloomy; and in the contemplation of the well regulated understanding and the sweet disposition of Laura Willoughby, he discovered that life might still have some enjoyments in store for him. Having married her, he retires to the ancient seat of his ancestors, where, in the discharge of the duties of his station, in the society of a few friends, and in the bosom of his family, he passes the residue of his days in tranquillity and contentment.

We have made more copious extracts from the pages of this work, than we should have done, had we not been under the impression that it has, by no means, obtained the general circulation, to which it is entitled. In our opinion, it would suffer little by a comparison with the productions of any contemporary novelist, excepting Sir Walter Scott's, and perhaps two or three of the best of Miss Edgeworth's. We admit that it does not contain the brilliant dialogue and the dazzling eloquence of Vivian Grey—the thrilling excitement of the curiosity and the powerful delineation of a single passion of Caleb Williams—the fine reflections upon the material world and the poetic effusions of Devereux—the intuitive quickness in seizing, and the graceful facility in delineating the manners of society of Cecilia—nor the vivid sketches of scenery, the rich variety, the glowing imagery, and the deep pathos of Anastasius. But the spirit with which our author portrays characters, the skill with which he individualizes and contrasts them, the lively interest and keen sympathy which he communicates to us in the fortunes of his hero, the peculiar felicity with which he imparts to fiction the air and manner of truth and reality, the easy flow of his narrative, and the moral tone from which he never departs, authorize us to place "*Cyril Thornton*" upon a level, or almost upon a level, with the celebrated compositions which we have just enumerated; and we believe, that

the pleasure derived from its perusal, will sustain the judgment which we have expressed.

Our duty, as critics, compels us to remark, that in some respects, this novel is liable to censure. We can discover no motive for rendering him an object of ridicule, in his first visit to Lord Amersham, and a maniac when he heard of the marriage of Lady Melicent—nor for the introduction of an episode, merely to exhibit him as the seducer of an unprotected female. The world and his own imagination are the sources from which a writer of fiction draws his materials. With this inexhaustible range before him, why should he mar the interest of his own invention, by the insertion of incidents easily avoided, which shock our sensibility, or which tend to diminish our esteem for the character, and our sympathy in the adventures of an individual, represented to us as endowed with a vigorous understanding, an amiable disposition, and a virtuous heart?

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ART. III.—*A Discourse on the Revolutions of the Surface of the Globe, and the changes thereby produced in the Animal Kingdom.* By BARON G. CUVIER, Commander of the Legion of Honour, &c. *Translated from the French, with Illustrations and a Glossary.* Philadelphia. 1831.

It is the nature of man never to rest contented with the means of gratification, the degree of knowledge, or the condition of existence, which he has already attained. His acquisitions, especially of knowledge, but quicken his appetite for a wider sphere of thought and action. He reflects on the past only that he may profit by the future—labours to-day but that he may be more ready for to-morrow. The imperishable principles of curiosity and hope inherent in his moral constitution, urge him perpetually onward to something which, for the time at least, he believes to be nobler or better.

This unceasing desire for improvement lies at the root of all his intellectual preeminence in the scale of animated beings and the strength or weakness of this principle constitutes the chief difference between the philosopher and the clown.

The study of the structure of our Globe, if it cannot enlighten us as to the future, yet leads us back to those dark and fearful periods when man had not yet taken possession of its surface. There is something ennobling in the thought, that man has not only subjected to the scrutiny of his intellect, and recorded, in the chronicles of the past, the early history of his race; but that in the depth of his researches he has discovered and reduced to almost mathematical certainty, the natural history of animals which inhabited, and convulsions which shook the solid frame of the world before time had yet commenced with him.

It is to the consummate genius of the Baron Cuvier, and to a few geologists of great ability, that we owe all the knowledge we possess of this interesting subject. Before the appearance of his works, the systems broached to explain the natural history of the earth were visionary hypotheses, put forth—as we might well be led to suppose, from their utter want of any thing like philosophical proof—rather for amusement than for the advancement of scientific information. Indeed, we much question whether any other man of science now living, has done as much as our illustrious author for the improvement of philosophy. To form some idea of the extent of his services in the cause of science, we need only recur to those wild systems which were current previous to his researches.

Their authors seem generally to have admitted but two events in their theories of the earth—the creation and the deluge. Basing their reasonings upon the supposition of a single deluge—which is, however, not proved by the actual state of the strata composing its surface, as these unquestionably indicate at least from two to three different deluges—they argued with no regard to any thing but plausibility, and not even always to that.

“Thus, according to one, the earth, at first, had an equal and light crust, which covered the abyss of waters and which burst to produce the deluge; its relics formed the mountains. According to another, the deluge was occasioned by a momentaneous suspension of the cohesion of minerals—the whole mass of the globe was dissolved and the paste of it was penetrated by shells. According to a third, God lifted up the mountains to allow the waters, which produced the deluge, to escape, and removed them to the places where there were more stones, because otherwise they could not have been supported. A fourth created the earth with the atmosphere of one comet, and deluged it with the tail of another. The heat which remained to it from its first origin excited all mankind to sin. Thus, they were all drowned but the fishes, which had apparently passions less unruly.” p. 28.

We should scarcely have believed that men of grave and scientific minds could have given credence to such absurdities, if the fact was not unquestionably substantiated, that these systems were for a time extremely popular among the wise as well as the foolish. Other writers adopted the hypothesis of Kepler, which so far as our understanding can inform us, is the most absurd of the whole. His disciples say the globe has vital powers; each of its component parts, life, instinct, will; mountains are its organs of respiration, and schists the secreting organs; sea-water is decomposed by these to engender volcanoes; the veins of mines are the abscesses of the mineral kingdom; the metals, the production of putrefaction, and this accounts for their bad smell.

While men of science were indulging in these wild systems, it is not at all to be wondered at, that the doctrine of atoms, with all its train of atheistical notions, frequently gained proselytes, as it is unquestionably conceived with more ingenuity, and has an air of greater plausibility than most of the theories which have been placed in comparison with it.

The Count de Buffon treats these hypotheses with sufficient contempt, and then offers an imaginary theory of his own, not at all better than some of those he ridicules. He held that the earth, as well as the other planets, were portions of the body of the sun separated by the force of some comet falling into its mass; that they were in a state of fusion when thus separated from that body, and naturally assumed the form of spheres, as they rolled through space, those forms being produced by the nature of their motion; that the projectile force received from the comet gave these spheres their centrifugal tendency; the oblique manner in which the stroke was received, is the cause why the axis of the planet does not move at right-angles to the plane of its orbit, and why it spins on its axis in diurnal revolution. Now if the earth, (we leave the other planets to themselves,) was altogether fluid at the time of its separation, we should be inclined to think that an *oblique* stroke upon this fluid substance would tend still further to separate the parts of the mass, rather than to put the whole in circular motion. We are, however, aware, that this difficulty could be as easily removed as many others which the Count has disposed of, by imagining the mass to be exactly in that state of consistency, that the parts would rather cohere than separate in spite of the shock.

That the earth is an oblate spheroid, and that this form is produced by the nature of its motion; that it revolves on its axis in the twenty-four hours, and that the pole of its diurnal motion is oblique

to the plane of the ecliptic, we all know. That it was fluid or rather in a gaseous form at first, as La Place supposes, we think more than probable. But why should a comet be supposed to be the agent in its formation? What does philosophy gain by this supposition unsupported by proof? Would it not have been as easy to suppose that the sun threw off the mass of matter, constituting the earth, by the energy of some force inherent in itself, or to suppose a hundred other things as plausible, if we once launch into the region of probabilities and possibilities? We are surely bound by the common rules of philosophy not to resort to the immediate agency of the Creator when events can be accounted for by secondary causes. But we must have some evidence that these secondary agents, from qualities known to exist in themselves, were at least efficient for the production of such results, or that something like similar results have been proved to arise from their action. It has been demonstrated for example, that the attraction of the moon is the cause of the rise and fall of the tides of the ocean. It would not be very visionary to attribute the deluges which have inundated the world partly to the changes in her relative position and motion. The moon is the only body, except in a minor degree, the sun, under whose influence the tides exist.

But the Count is forced, at the outset, to invent a new attribute for his comet—the power of altering the state of the matter composing the body of the sun, so as to strike off portions of it. His very first step is gratuitous assumption. Would it not have been as easy, and far more natural to suppose that the hand, which created the matter composing our earth, communicated directly the centrifugal tendency, as to conjecture that he sent forth the comet on its course, commissioned for the purpose? Is it not more natural, as well as more consonant to reason to assume that the axis of the earth was inclined to the plane of its orbit, with a view to the changes of the seasons, of which this motion is confessedly the cause? Why, then, should we attribute it to the accidental stroke of a comet?

Nothing is more calculated to retard the progress of science than the false opinions of a celebrated writer, because his name gives authority to the error. Happily, however, the systems of the Count de Buffon have been long exploded. We have noticed him more particularly here, because he was the great predecessor of our author in the science of natural history as well as in renown, and because we believe his great reputation, (though we do not dispute his merit as a writer of eloquence and sagacity,) to be attributable, in no small degree, to his fondness for new systems. This air of system and novelty so

cheaply earned, has an irresistible charm for many readers, and, however injurious to the cause of science, it is well calculated to command popularity for a time. We do not mean, however, to class the Count de Buffon with mere system makers; we accord to him all the praise to which transcendent abilities and a vast range of information entitle him, and we attribute the defects of his work very much to the imperfect degree of knowledge possessed on these subjects at the time he wrote. But we also think that too great a love of system has materially impaired the usefulness of his otherwise magnificent production.

There is no branch of natural philosophy more calculated to interest the inquisitive mind than the one before us. Our author has not investigated the nature and forms of organized matter only as they now exist. In his geological and zoological researches, he has carried us back to those early periods of the world, when man had not yet been created—at least, so far as we can philosophically know—and strange and monstrous beings occupied the habitable surface of our planet. It appears, from his researches, together with those of other philosophers, that there was a period when the earth was but a solid mass of granite and water, without vegetation or life. At the next period, as indicated by the strata, it was occupied by zoophytes and mollusca, and, probably, the land was covered with vegetation and reptiles. At later periods, the leviathan and behemoth possessed it, unchecked and unawed by the presence of man; and it is only after the last deluge, and in the more superficial strata formed since that event, that the bones, either of man or the quadrumana, have been found, clearly indicating, *so far as we possess any geological evidence of the facts*, that neither of these races of animals previously existed in the countries which are now inhabited by them. It is, however, very possible, geologically considered, that man may have existed before this last deluge, (which we take to have been that of Noah,) and that the countries which he then inhabited, may now lie at the bottom of the ocean. In all probability, the sea then shifted its bed on account of some change in the direction of the moon's attraction, by some alteration in the relative position of the earth, in reference both to that body and the sun, and this may be supposed to have been the immediate cause of the deluge; or, perhaps, as many respectable writers think, by the sinking of the surface of the land in those regions and elevation in others, through the agency of earthquakes, &c. That some such event did occur at the time, and that it was sudden, is

proved by many circumstances which have been brought to light by recent researches. One of the most remarkable facts ever recorded in history or philosophy as an evidence of these changes we will take the liberty to insert :

"In 1799, a Tongoose fisherman, observed, on the borders of the Icy-sea, near the mouth of the Lena, in the midst of the fragments of ice, a shapeless mass of something, the nature of which he could not conjecture. The next year, he observed that this mass was a little more disengaged. Towards the end of the following summer the entire side of the animal, and one of the tusks, became distinctly visible. In the fifth year the ice being melted earlier than usual, this enormous mass was cast upon the coast, upon a bank of sand. The fisherman possessed himself of the tusks, which he sold for fifty rubles. Two years after, Mr. Adams, associate of the academy of St. Petersburg, who was travelling with Count Golovkin, on an embassy to China, having heard of this discovery at Yakutsk, repaired immediately to the spot. He found the animal already greatly mutilated. The flesh had partly been cut away by the Yakoots for their dogs, and some of it had been devoured by wild beasts. Still the skeleton was entire, with the exception of a fore-leg. The spine of the back, a shoulder-blade, the pelvis, and the rest of the extremities were still united by the ligaments and a portion of the skin. The other shoulder-blade was found at some distance. The head was covered with a dry skin, one of the ears, in high preservation, was furnished with a tuft of hair, and the pupil of the eye was still discernible. The brain was found in the cranium, but in a state of desiccation. The under lip had been torn, and the upper one being utterly destroyed, left the molars visible. *The neck was furnished with a long mane.* The skin was covered with black hairs, and with a reddish sort of wool. The remains were so heavy that ten persons had much difficulty in removing them. More than thirty pounds of hair and bristles were carried away, which had been sunk into the humid soil by the white bears, when devouring the flesh. The animal was a male. The tusks were more than nine feet long, and the head, without the tusks, weighed more than four hundred pounds. Mr. Adams collected, with the utmost care, all the remains of this singular and valuable relic of a former creation. He repurchased the tusks at Yakutsk, and received for the whole, from the Emperor Alexander, eight thousand rubles."<sup>\*</sup>

The animal above mentioned proved to be the mammoth of the Russians, or fossil elephant of geologists, but differing from any species of elephant now in existence, not only in form, but also in being covered with long hair and a thick wool, and having a mane. The remains of these animals are so numerous in those icy regions, that the Siberians carry on a profitable trade

<sup>\*</sup> See Cuvier's *Animal Kingdom*, edited, &c. by Ed. Griffith and others. Part xiii. p. 52.

in the fossil tusks, which they call the horns of the mammoth. Indeed, this trade was so lucrative at one time, that the Czars reserved to themselves the monopoly. The Siberians suppose these remains to belong to a subterraneous animal, and the Chinese call it "*the mouse that hides itself*." They say it dies as soon as it sees the light.

The most important fact, gathered from the case of the animal found enveloped in the ice, is, that it must have been thus enclosed at the moment of its death, or the body could not have been preserved. That it was a native of the regions where the body was found is most probable, and that the climate was, at the time, a cold one, from its being clothed in wool.

This animal, then, was destroyed by a flood, for its body was found in the midst of the waters; the climate it inhabited at the time of its destruction, was warm enough to keep the waters in a fluid state, otherwise it could not have been buried in them; the temperature of the climate was changed simultaneously with the event that overwhelmed it, so as to turn the waters into ice, otherwise the body must have corrupted; and lastly, the freezing which took place at the time of its destruction, became from thence the permanent temperature of that climate down to the time of the discovery of the animal, in 1799.

It appears to us almost incontrovertible, that the event by which it was overwhelmed, was not only sudden, but could not have been produced by earthquakes, volcanoes, or any other of those known general agents, commonly at work on the surface of the globe.\*

How came these waters so suddenly to overflow? Did the moon change her relative position as to the earth, or was the direction of the pole altered, with respect both to the sun and moon, so as to whelm that portion of land beneath the sea which had been previously inhabited, and by placing this region at the same time more remote from the influence of the sun, bind it thenceforward in perpetual ice? That some such event did occur, and that it must have been caused by some such extraordinary means, we cannot doubt. May not this have been the time, supposing man to have previously existed, when the pole of the earth's axis became inclined to the plane of the

\* The remains of the whole race in those regions shew, that the cause of their destruction was general. We are then justified in inferring that this individual perished in that general deluge, though it is certainly possible that it may have perished from some particular casualty before the inundation, which destroyed the race, such as being frozen to death on some floating mass of ice, and incased in frozen waves before putrefaction commenced, but we think it more philosophical to infer that they all perished by the same catastrophe. This animal, or the ice which enshrined it, may have been carried by the current a vast distance from its habitation before it became stationary.



ecliptic, and the change of seasons commenced, the earth not being habitable but in part before this? May not the then habitable part of the earth have enjoyed a more delightful climate than the present, on that very account? And may not this superior climate have been the cause of the longevity of the antediluvians? These questions we confess ourselves unable to answer. Did we attempt it, we should render ourselves obnoxious to the judgments we have been passing upon the system-makers previously noticed. There is, however, nothing very improbable in the suggestions.

We cannot agree with the writer in the *English Quarterly* for September, 1820, that earthquakes and volcanoes are sufficient to account for all the great changes which have taken place on the surface of our planet, nor that those great causes of change are still in operation, in their pristine vigour. Though it is admitted, that large districts of country have been raised above, and others sunk beneath the surface of the ocean, since the records of the human race commenced, still we cannot admit that any of these events, though confessedly great in themselves, can bear any comparison with those stupendous convulsions, which upheaved the primitive granite, forming the mountain chains that intersect the Eastern and Western continents in different directions. That these mighty ridges were produced by convulsions far exceeding any thing that we have ever known in the form of earthquakes, we cannot doubt, and we must refer the period of their production in a great measure to those early ages of the planet when it was not inhabited, for we can scarcely conceive how it could have been habitable while labouring under the action of earthquakes and volcanoes, sufficiently powerful to have brought them forth. That these causes have since modified and changed their surfaces as well as that of the rest of the globe in a minor degree we readily admit. But we affirm that the whole natural history of the surface of the globe, tends to prove, so far as we can see, that their force was long since in a great measure spent, and that the earthquakes and volcanoes, of more recent date, are merely the remains of those which formerly shook the globe, and are no longer capable of producing equal results. How can the change of climate which took place simultaneously with the destruction of the mammoth, and enshrined it in perpetual

\* It is the opinion of many writers who admit the great longevity of the antediluvians, that it was caused by the superior state of the climate which they suppose to have existed in that part inhabited by man before the deluge. We leave this opinion as we find it, open to our readers. We are merely suggesting what might have been.

ice to the present time be at all accounted for from any known geological agent. This change, obviously sudden, as well as the flood which overwhelmed the animal, must be referred, so far as we can see, to some astronomical cause. What that cause may have been we can now only conjecture, and it is not probable that we shall ever approach nearer the truth than we are at present.

Buffon was of opinion that the earth was first covered with water, possibly to the height of 2000 fathoms above those parts which are now inhabited, and that, afterwards, a great portion of it sinking into hollows, as the earth by cooling became more dense, formed the beds of the oceans, and the dry land appeared. It is barely possible that the deluge which destroyed the whole race of mammoths, may have been produced by some such sinking of the earth, covering its then inhabited portion with water, and draining the other parts that previously lay beneath the bed of the ocean. But what caused, on this supposition, the permanent and sudden change of climate? 'The sinking must have been instantaneous—and what has become of the waters of this destructive inundation? Have they been drawn off by another sink of the earth? The bones of these animals are often dug out of the dry soil in every part of the country.

Leaving Buffon, who obviously possessed but a very imperfect knowledge of this subject, we will endeavour to give a general out-line of what is now considered the true theory of the earth. That all the facts are established, we cannot assert, for, on some points, men of great research and ability still differ. It is considered as an established fact, that the earth was at first fluid, perhaps nebulous; the vitreous state of all the lower strata, as well as the spherical form of the globe prove this almost beyond a doubt. In this fluid state (the waters and what now composes the solid part being all mingled together) it of course could not have been habitable by any known organized being. The intensity of heat which kept it in this state of fusion, abating through an unknown lapse of time, the surface became solid, but surrounded on all sides by the gaseous substances (probably disengaged from the surface in this process) which substances became either atmosphere or subsided into water. It is thought from the phenomena of the transition-strata, that the globe was then encircled with water. In the original granite formation or the first hardened crust of the earth, probably coeval with the ancient sea, there are no remains of animal or even vegetable life known to exist; the presumption is, therefore, that neither animal nor vegetable substance, marine or terrestrial existed at the time of the formation. But in the transi-

tion-strata immediately above this, the remains of zoophytes, and other marine animals of the lowest grade begin to appear, first commencing the struggle of life against inert matter. It is in these strata of the primitive and transition formations that metallic ores are generally found. The transition-strata always lie between the primary and the secondary.

At the commencement of the secondary strata, dry land began to appear, though filled with marshes and lakes. The grasses and ferns, as indicated by the coal beds of this series of strata, grew to the size of trees, the then vegetative power of the earth far surpassing the present, owing probably to its bed being of a higher temperature and of greater moisture. It was during the formation of these strata that vertebrated animals began to exist; but they were all oviparous;\* enormous crocodiles some seventy feet in length; turtles, fish, &c. It seems that this was also the time when those mighty convulsions occurred, which upheaved the solid granite to form the primitive mountains. It is probable that the same convulsions, which produced these primitive chains, also lessened in some manner the volume of waters, which had previously enshrouded the earth, so that permanent continents began to appear. It is certain, that, at this period, there must still have been but little dry land, and *that* much intersected by lakes, &c. These primitive chains of mountains are believed to be parts of the solid nucleus of the earth, upheaved by the earthquakes and volcanoes which then shook the globe. Upon the formation of these mountains, two theories have been broached and maintained with great ability by geologists. It is affirmed on the one side that the masses of granite composing them must have been thrown from their pristine level, by convulsions far more powerful than any which are now active on the surface of the earth, that those internal fires have in a great measure spent their forces, and are no longer capable of producing equal changes in future. This is the opinion of our author, of Dr. Buckland, and of many other geologists of great reputation. The disciples of Hutton, on the other hand, assert that there are now in operation, natural agents, earthquakes, rivers, inundations, &c. fully competent to have given birth to the past, and to produce in the pro-

\* We do not think that the remains of the single mammiferous quadruped of the family Didelphis or opossum discovered by professor Buckland, in an ancient secondary rock, is sufficient to controvert the general position; it is possible that the remains of these animals may have accidentally got into that of a more recent stratum or the professor in spite of his great knowledge of the subject, may have mistaken the nature of the rock; at least general experience has been against this single exception.

ness of ages future revolutions equal in magnitude to any which have hitherto occurred, and that the energies of these causes of change have by no means diminished. We confess we cannot yield our assent to this last opinion, though sustained by two very able articles in the *English Quarterly*, one of September, 1826, and the other a review of Mr. Lyell's *Principles of Geology* of October, 1830. Mr. Lyell's work we have not been able to procure, but we do not think that the efforts of his reviewer, though displaying great knowledge of his subject as well as ability establish his position. The secondary strata are said to be very much broken and uneven; portions of the lower strata being often projected through them, indicating the frequency of these convulsions at the time of their formation. The upper series indicate marine deposits, shewing that the ocean again returned over the land at this period destroying what then inhabited it, and remained long enough to have made the deposits.

Next were formed the tertiary strata, the lower series of which still indicate the prevalence of the ocean, being also composed of marine deposits, while the upper series indicate that the ocean had at the time of their formation again retired, and a race of animals of still more perfect organization than the preceding had come into life. This is the last of the regular rock formations, and here, and in the diluvial deposits immediately above, are found the remains of the gigantic mammalia and other quadrupeds, supposed to have been destroyed by the last or Noachic deluge. Above these, there is every evidence that this third grand deluge has passed, leaving the earth at its retreat to still more perfect races of animals than the preceding—man, and all the animated creation, as it now exists. Upon the surface of the tertiary strata, we have volcanic and basaltic rocks, and alluvial and diluvial soils constituting the present superficial coating of the globe. Within any of these strata formed anterior to the last general deluge, neither the bones, utensils, nor any other vestiges of man have ever been discovered. Had he existed previously, on the present continents, some of these records of his being must have remained. The bones of the smallest mammalia and birds, are in a great measure still entire, even in the more ancient formations. The Baron Cuvier has demonstrated that the animals destroyed by the last deluge are generally not varieties of present races, as indicated by the structure of their bones. They are most of them of distinct and separate species, which have been by this last catastrophe forever obliterated from the scale of animated beings. And

new generations of creatures, at the head of which is man himself, wholly unlike, and incapable, with few exceptions, of deriving their descent from the former races by any rules of analogy, have since that period commenced, and still perpetuate a more perfect series of mortal existences.

Such then is a slight sketch of the structure of the surface of our planet as indicated not by hypothesis, but as demonstrated by actual investigation and facts, and such is the history of the events, as indicated by their results in the strata, which agitated the frame of the world and changed the races of its inhabitants from the period almost of its first creation to the present time. Where then was man? Did he exist on the earth previously to this last deluge, according to the scripture accounts, or did he come into existence a contemporary with the post-diluvian races? His bones, his utensils, or any other relic which would designate his previous existence have never yet, in a single instance, been found. Shall we trust to scripture or the evidence of our senses, directed by the strict rules of induction? We will trust to both, for in this instance they do not disagree.

There are but four ways by which the human race could have arrived at the knowledge of this event. By mere guess, by former philosophical researches, which discovered the same vestiges of it that are now detected, by revelation from some superior power who witnessed it, or by traditional history received from Noah or some human being who was present, call him by what name we will. That the knowledge of it all sprung from mere conjecture, is far too improbable to be admitted. That geologists existed in some former age, who detected these facts, is certainly possible, but scarcely probable. That we received the account from inspiration, we need not assume, when plain tradition can so easily account for it, and when the early history of almost every people testifies, that some person or persons from whom they claim descent, were then alive and witnessed the desolation. We have a right then to assume that man did exist before the last deluge, although his bones have not been found. The country he inhabited then has not yet been discovered, or perhaps now lies beneath the bed of the sea. It is likely that it formed but a small portion of the earth.

"I concur," says the Baron, "with the opinion of M. M. Deluc and Dolomieu, that if there be any thing determined in geology, it is that the surface of our globe has been subjected to a vast and sudden revolution not further back than from five to six thousand years; that this revolution has buried and caused to disappear the countries formerly inhabited by man, and the species of animals now most known; that contrariwise it has left the bottom of the former sea dry, and has form-

ed upon it the countries now inhabited ; that, since the revolution, those few individuals whom it spared, have been spread and propagated over the lands newly left dry, and, consequently, it is only since this epoch that our societies have assumed a progressive march, have formed establishments, raised monuments, collected natural facts, and combined scientific systems.

" But the countries now inhabited and which the last revolution left dry, had been before inhabited, if not by mankind, at least by land animals ; consequently, one preceding revolution, at least, had overwhelmed them with water ; and if we may judge by the different orders of animals whose remains we find therein, they had perhaps undergone two or three irruptions of the sea." p. 179.\*

The coincidence of time between the age of the world since this last revolution, as indicated by the inspection of the strata, and the date of the same event, according to the sacred writings, is remarkable. Our author asserts that this revolution did not occur further back than between five and six thousand years ; it may have occurred at a later period. The age of the world since the deluge of Noah, according to the Septuagint, is about five thousand four hundred years ; according to the Samaritan text, near four thousand nine hundred—according to the Hebrew text, near four thousand two hundred. Its probable date, then, was not earlier than the most ancient of these, and may have been as late as either.

Fossil osteology is entirely a new science, yet so prolific has been its results, that naturalists, at the head of whom is the Baron Cuvier himself, " have determined and classed the remains of more than one hundred and fifty mammiferous and oviparous quadrupeds " of the extinct races.

" Considered relatively to the species, more than ninety of these animals are certainly unknown to present naturalists ; eleven or twelve have so exact a resemblance to known species, that there can scarcely be any doubt of their identity ; others present, with the known species, many points of similarity, but the comparison has not been made with sufficient accuracy to remove all scruples.

" Considered with regard to genera, amongst the ninety unknown species, there are nearly sixty which belong to new genera ; the other species belong to known genera.

Of the hundred and fifty species, about a fourth are oviparous quadrupeds, and all the others are mammiferous. Amongst these, more than half belong to non-ruminating hoofed animals." p. 66.

Presuming that it would not be uninteresting to some of our readers to become acquainted with the natural history of the

\* This translation is extremely careless.

strange and monstrous beings which inhabited our continents, before the deluge—as demonstrated by their skeletons discovered in the ancient formations, and brought to light by the indefatigable exertions of our author, Dr. Buckland and others—we shall notice a few of those which have seemed to us most remarkable.

With respect to these animals and the strata to which they belong, it must be kept in mind that though there probably have been, as supposed by the Baron, three grand inundations of the world; yet it is conceded on all hands by geologists, that there have been numerous partial deluges, which have desolated particular regions only. This is as clearly proved by the state of the strata, as any fact in the whole history of the earth. Some of these animals may have been destroyed by these partial revolutions, the rest of the race still existing elsewhere.

The *Ichthyosaurus*, discovered by Sir Everard Home, and the *Plesiosaurus*, an account of which was rendered by Mr. Conybeare to the Geological Society of London, some years ago, are very remarkable for the strangeness of their forms. Four species of the *Ichthyosaurus* have been detected; the common exceeding twenty feet in length, and a much larger species which had enormous eyes, a short neck, a long tail, and broad and flat paddles like a turtle. The *Plesiosaurus* of which an almost entire skeleton is said now to be in the possession of the Duke of Buckingham, was sometimes twenty feet in length. It is most extraordinary for being unlike all quadrupeds and mammalia, in the length of its neck, the number of cervical vertebræ of all such animals being only seven, while the *Plesiosaurus* had more than thirty. Unlike the former animal, it had, with this enormous neck, a short tail. It was like that, an aquatic, perhaps a marine animal; it had no shell, and its head was very small. Like the turtle it was capable of moving on land, but probably with an awkward motion. "May it not, therefore, be concluded," says Mr. Conybeare, " (since, in addition to these circumstances, its respiration must have required frequent access of air) that it swam upon or near the surface, arching back its long neck like the swan, and, occasionally, darting it down at the fish which happened to float within its reach." The Quarterly reviewer of 1826, thinks that it must have very closely resembled the *Tesudo ferox*, of Savannah-river, of South-Carolina and Florida. But we are certain that whoever has seen this animal will scarcely detect a resemblance to the ante-diluvian monster. We are not acquainted with the anatomy of the

"*Testudo ferox*,"\* but we doubt much, though its head protrudes further from the shell than the other varieties, whether it has more cervical vertebrae. It does not arch its neck, but stretches it forward like other turtles. We would be glad if some of our comparative anatomists would determine the question.

The *Megalosaurus* was discovered by Dr. Buckland, in England, but its bones have been also found in France and Germany. "With the shape of lizards and particularly of the monitors," it is supposed to have been of the height of an elephant, and at least sixty or seventy-feet in length.

"But the most remarkable animals (says the Baron) which are deposited in these lime-stone schists are the flying lizards, which I have named, *Pterodactyli*. They are reptiles with very short tails, very long backs, muzzle greatly extended, and armed with sharp teeth, supported on high legs, the anterior extremity has an excessively elongated claw, which probably supported a membrane which sustained it in the air, together with four other toes of ordinary size, terminated by hooked claws." p. 196.

From the above account they must have been as strange and hideous, considering also the size of many of them, as any that the wildest imagination could have framed. Indeed, many of these extinct animals could not have been very unlike the fabled monsters of romance.

The *Megatherium* was a species of sloth, of the size of the rhinoceros. The *Megalonyx* first described by Mr. Jefferson, as "found at the depth of two or three feet in one of the caverns of the calcareous mountains of Green Briar, in Western Virginia," has also been an object of M. Cuvier's researches. It was also a species of sloth, about the size of an ox. Mr. Jefferson imagined this animal to be carnivorous, and of the genus *Felis*; but the Baron has proved that it was an animal constituting an intermediate genus between the bradypi and ant-eaters, and herbivorous after the manner of the sloths.

The "unguical phalanx" of another unknown animal has been discovered, which is supposed to have belonged to the genus *Pangolin*. But, supposing the general proportions to have been nearly analogous to the *Pangolin*, it must have been *twenty-four feet in length*.

"It is impossible to avoid remarking here," says the English editor of the *Animal Kingdom*, "nor can it be too often impressed on the mind of the reader, how scientific a character

\* It appears that the description of the animal, referred to, called the "*Testudo ferox*" was by Dr. Garden of this country.



'fossil osteology has received under the hands of Cuvier. We find from the instance just now mentioned, that a single fragment, certainly a characteristic part, is sufficient to determine the order and genus of an animal with a precision amounting almost to mathematical certainty; we arrive, too, by the same means, at least, to a strong probability regarding the dimensions of the skeleton.'

"The least prominence (says the author) of the bone—the smallest apophysis have a determined character relative to the class, the order, the genus, and even the species to which they belong, so that whenever we have only the extremity of a well preserved bone, we may, by scrutinizing it, and applying analogical skill and close comparison, determine all these things as certainly as if we had the whole animal."—*Rev. of the Globe.* p. 65.

The Mastodontes are too well known to trouble our readers with a description, and there are many other animals of very extraordinary form and magnitude which we have not time here to notice. Should any feel curious on the subject, we would refer them to the Baron's great work, which will amply repay any time or trouble they may devote to it.

It remains for us to offer a few remarks on the probable extent of the deluge. Whether the whole globe was at once overwhelmed by it we cannot say, but believe it cannot be doubted, that our present continents, as our author affirms, were covered. That man existed (in spite of some bold assertions to the contrary) previous to that event, is certain. How could we otherwise have had any account of it unless we make the very improbable supposition, that it was all a random guess? It seems not less certain that this last grand deluge of geologists must be the same as the Noachic deluge of the sacred writings, for the identity of time in the two accounts renders it not probable that it could have been any other. No one has ever heard that two such events occurred near enough to that period, to start a reasonable doubt on the subject, neither is it physically likely. We protest as decidedly as any one, against the disposition manifested by many of the well meaning but injudicious friends of religion, to warp the facts of philosophy so as to make them chime in with all the historical records of holy writ. If the facts, when ascertained, differ, decidedly, from the scripture account, let them be plainly stated, for this can be no impeachment of the authority of revelation as the harbinger of moral amelioration and peace among men. No one ever imagined that Moses ought to have been a complete geologist, or David an astronomer, neither is it to be supposed, that the inspired

writers were endued with superior lights to other men, except within the sphere of their divine commission. So far from this being the fact, the scripture itself presents a continual record of their errors, both in morals and knowledge. It never treats them as perfect characters. It was not necessary for any object connected with their mission, that they should be skilled in these departments of knowledge. Still, however, we should recognize them—though utterly deficient on all these points, which, nevertheless, was far from the truth—as prophets, as men designated especially to deliver to mankind the unquestioned will and revelation of the Supreme Being—men endued with more than human knowledge on the subjects of their divine commission, and enabled, and entitled, to declare to the world, what it would never otherwise have known, and to prescribe to them a scheme of innocence and rectitude of life, which, from their own lights they could never have devised. And where is the wonder and the miracle of all this? Does the sceptic doubt the existence of the mountain, because he cannot well fancy a power strong enough to up-heave it? Or does he doubt the existence or original formation of the world, because he cannot well conceive, in the stretch of his capacity, a power sufficiently consummate in thought to have planned, or equal in ability to the execution of such an amazing series of means adapted to ends without failure or fault?

In the natural world he is forced to acknowledge at every step, this direct agency of a superintending power, if he is not worse than a fool. If, then, this agency is so apparent in the natural world—in the formation or destruction of a new world, or of new races of organized beings, its inhabitants—where is the difficulty even with the most fastidious, in supposing this agency, acting in like manner in the moral?

If that power sees fit to set in motion a new order of life, a new animal, without stooping to reveal the cause, shall he not do the same thing or as much, in the sphere of human morality and thought, without entitling us to doubt? All that we have to inquire is, are these things for good, are they calculated to produce the end proposed? Do *they* bear the stamp of a *more than human* hand? If satisfied on these points, we are bound as much to believe in this agency in the moral as in the physical department of nature.

Although we should heartily protest against injudiciously seeking to measure the truth of philosophy by the standard of the scriptures, inasmuch as this is not plainly within their intention, still we cannot too strongly reprobate the antagonist

disposition to doubt and misinterpret, where philosophy does manifestly agree with the facts recorded in holy writ.

The history of the deluge, as recorded in Genesis, is amply proved by the researches of geologists, to be substantially correct. Genesis informs us that "the waters prevailed exceedingly upon the earth; and *all the high hills under the whole heaven*, were covered; fifteen cubits and upward did the waters prevail; and the mountains were covered." It is obvious, then, to any candid mind, that the scripture relates it as a general deluge, for, unless we suppose the absurdity, that the mountains were but fifteen cubits high, it covered the mountains fifteen cubits and upward.

Now, what does Cuvier say? "That if there be any thing *determined in geology*, it is that the surface of our globe was subject to a vast and sudden revolution not further back than from five to six thousand years; that it left the bottom of the former sea dry, and formed on it the countries now inhabited." It appears, then, that, at least, the present continents, the countries now inhabited by living beings, were covered by this former sea, and that it swallowed up whatever countries previously existed, so that the whole globe must have been under water. "The most superficial strata, those deposits of mud and clayey sand mixed with round flints, transported from distant countries, and filled with fossil remains of land animals, unknown or foreign to the country," and which are described by Dr. Buckland, under the name of *diluvium* "form at present, in the eyes of *all geologists*, (says the Baron) the most evident proof of the immense inundation which was the last catastrophe of this globe." Can any one, then, reasonably doubt, that this last "*diluvium*" of Dr. Buckland is identical with the deluge of the sacred writings?—especially when it is considered, how nearly they agree in time.

As the earth was at first in a state of fusion, it is supposed that the interior of it still is so, that nothing but the surface or outer crust has hardened by cooling, and this not to any very great depth in comparison to the whole mass, and that this molten centre is still engendering and, at times, discharging volumes of vapour and lava through the volcanoes, which are thus considered the "safety valves" of the world. It is well known that the discharge is sometimes so powerful as to blow off almost the entire mountain under which the crater is formed. Indeed, it is the discharge of the crater itself which forms the volcanic mountain in the first instance. There are about two hundred of these vents existing in regular series through

the earth. It often happens that the lava cools on the surface, so as to close the mouth of the crater. The elastic vapours, then, engendered by the action of these internal fires, lie bound within their prison, until they collect force enough to break their way through, when they have at times exploded with such violence as to sweep at once the whole mountain from its base. Some geologists think that the eruption of volcanoes is mainly produced by the access of sea-water to the volcanic bed, which being immediately evaporated, in the shape of steam, breaks its way to the surface.

The modern discovery of the tremendous power of steam has doubtless given popularity to this notion. The probability seems to be, that steam, nitre, and all the various gases that may be generated by heat, are the active agents in earthquakes and volcanoes, and not any single power of this kind. That they, or some of these, are the causes of earthquakes, &c. is very certain. The volcanic vents are said to lie in regular chains through the different parts of the world, and if they did not exist, it is possible that the globe itself might be riven asunder by the violence of these internal fires, as they would then accumulate their vapours, until the solid external coating of the earth would cease to have sufficient strength to confine them.

“What an immense field for reflection (to use the words of the English editor of the *Animal Kingdom*) is opened to the mind of the philosopher, by the survey of the discoveries to which fossil osteology, (we would say geology,) has conducted us!” We read in the successive strata, the successive efforts of creative energy from the sterile masses of primitive formation, up to the fair and fertile superficies of the globe, enriched with animal and vegetable decomposition. We find that there was a time when life did not exist on this planet; we are clearly enabled to draw the line between inanimate and organized matter, and to perceive that the latter is the result of a distinct principle, of something superadded to, and not inherent in the former. We also contemplate a progressive system of organic being, graduating towards perfection through innumerable ages. We find the simplest animals in the earliest secondary formations; as we ascend, the living structure grows more complicated, the organic developement becomes more and more complete, until it terminates in man, the most perfect animal we behold. And shall we say, that this march of creation has yet arrived at the farthest limits of its progress? Are the generative powers of nature exhausted, or can the Creator call no new beings from her fertile womb? We cannot say so. Revo-

'lution has succeeded revolution, races have been successively annihilated, to give place to others. New revolutions may yet succeed, and man, the self-styled lord of the creation, be swept from the surface of the earth, to give place to beings as much superior to him as he is to the most elevated of the brutes. The short experience of a few thousand years, a mere drop in the ocean of eternity, is insufficient to warrant a contrary conclusion; still less will the contemplation of past creations, and the existing constitution of nature, justify the proud assumption that man is the sole end and object of the grand system of animal existence." No, it would only justify the assumption, which we must all acknowledge, that man is an egregious egotist.

It would be of great benefit to American science if we could procure correct translations of more of the great works of foreign writers; but it seems almost as difficult to find a good translator as a fine original thinker. The translation before us is careless and slovenly, indeed, so much so, that before we had half finished our labours, we repented not having made use entirely of the original. The translator sometimes makes use of flagrant gallicisms, and, at other times, does not give the exact meaning of the original. We would attribute his defects, however, rather to carelessness than want of ability to do justice to our author. We would recommend to him strictly to revise and correct before he ventures again before the public.

ART. IV.—1. *Messéniennes et Poésies Diverses*. Par M. C. DELAVIGNE. Septième Edition. Augmentée du Dithyrambe sur la Naissance du Roi de Rome. 1 tom. 12mo. Bruxelles. 1823.

2. *Théâtre* de M. C. DELAVIGNE de L'Académie Française. A Paris. 4 tom. 12mo. 1826.

3. *Marino Faliero*. Par M. CASIMIR DELAVIGNE, de L'Académie Française. Bruxelles. 1829.

"BERANGER, n'est il pas avec Casimir Delavigne, le poète adoptif de la nation?"\* Such is the high tribute of praise

\* *Revue Encyclopédique*, Jan. 1826.

awarded to these two writers, by one of the first of European periodicals. In a former number of this Review, we allotted a few pages to a discussion of the merits of Béranger, and it is now our purpose to render similar justice to his rival, Delavigne.

Contemporaries, poets peculiarly national, and lyrists, these two authors are necessarily, in many respects, rivals; they do, in fact, divide the attention and applause of the French literary world; while, at the same time, although the matter and the (nominal) manner of their verse is the same, it would be much easier to find points of disagreement than of harmony between them.

The poetry of Béranger consists entirely of songs and a few odes. Delavigne has devoted himself equally to the drama. The former gives his productions a less assuming title than they might claim, and terms them simply "*Chansons*." The latter arrogates for his, an appellation never appropriated since the days of Anacharsis, and calls them "*Messéniennes*." Béranger's poetry is sometimes pathetic, but commonly gay, spirited, and never devoid of a peculiar elasticity. Delavigne's verse, almost uniformly elegiac, is grave, stately, and if more dignified, less remarkable for grace. Both national poets, even the current of their feelings often pursues widely different channels. Delavigne eulogizes Napoleon in power, and derides him when fallen; Béranger ridicules him while Emperor, commiserates his fall, and weeps over his island tomb. Delavigne, in 1816, upon the return of the Bourbons, discovers that they were the very sovereigns "qu'il regretta vingt ans;" and, in 1830, composes "*La Parisienne*." Béranger, in 1814, issues his "*Cocarde Blanche*," and more consistent than his competitor, in 1828, sings his bitter satire of "*Charles le Simple*."

Their respective fortunes differ as much as their characters or their works. Béranger, a clerk, with a miserable salary, has been thrice prosecuted, and twice imprisoned; Delavigne, a successful dramatist, in a country where that branch of literature is peculiarly well paid, occupies a *fauteuil* in the academy, and is placed, no doubt, equally beyond the fear of Bourbons and bailiffs. In short, the one is, in some sense, the martyr, and the other the poet laureate of liberty.

A brief examination of the works which constitute the text of this article, will, however, enable us to form a better judgment of their character, and of that of their author, than these desultory and unsupported remarks. As they consist of writings appertaining to two widely different classes of poetry, we will, without reference to the order of time, examine those belonging to each branch separately; and, first, of his lyrical pieces.

The first volume before us is chiefly made up of twelve poems, termed by their author, "*Messéniennes*," for the following reason:—"Tout le monde a lu, dans le voyage d'Anacharsis, (ch. xl. p. 34.) les élégies sur les malheurs de la Messénie; j'ai cru pouvoir emprunter à Barthélemy le titre de "*Messéniennes*," pour qualifier un genre de poésies nationales, qu'on n'a pas encore essayé d'introduire dans notre littérature." This "untried sea" of poetry, of which M. Delavigne imagines himself the first explorer, is evidently what has hitherto been always termed the elegy; we will not, however, quarrel with that which arises either from a harmless affectation of singularity, or a too great affection for classical models.

The three first of these "*Messéniennes*,"—for we cheerfully adopt M. Delavigne's nomenclature so far as his own poetry is concerned—which relate to a most interesting portion of French history, and which, perhaps, for that reason, appear to us the best in the volume, were published with a modest *envoi* in 1815 or 1816. Their author had, at that time, scarcely reached his majority, (he is said to have been born in 1794,) and they acquired for him, immediately, a very considerable reputation. The first, entitled "*La Bataille de Waterloo*,"\* commences thus—

"Ils ne sont plus, laissez en paix leur cendre;  
Par d'injustes clameurs ces braves outragés,  
A se justifier n'ont pas voulu descendre;  
Mais un seul jour les a vengés:  
Ils sont tous morts pour vous défendre.  
Malheur à vous si vos yeux inhumains  
N'ont point de pleurs pour la patrie!  
Sans force contre vos chagrins,  
Contre le mal commun votre âme est aguerrie,  
Tremblez; la mort peut-être étend sur vous ses mains!"

\* \* \* \* \*  
"Cachez moi ces soldats sous le nombre accablés,  
Domptés par la fatigue, écrasés par la foudre,  
Ces membres palpitans dispersés sur la poudre,  
Ces cadavres amoncelés!

Eloignez de mes yeux ce monument funeste  
De la fureur des nations:  
O mort! épargne ce qui reste!  
Varus! rends nous nos légions!"

\* \* \* \* \*  
"Ah! ne les pleurons pas! sur leurs fronts triomphans  
La palme de l'honneur n'a pas été flétrie;

\*" Cette élégie fut composée au mois de Juillet, 1815." N. of D.

Pleurons sur nous, Français, pleurons sur la patrie :  
 L'orgueil et l'intérêt divisent ses enfans.  
 Quel siècle en trahisons fut jamais plus fertile ?  
 L'amour du bien commun de tous les cœurs s'exile :  
 La timide amitié n'a plus d'épanchemens ;  
 On s'évite, on se craint ; la foi n'a plus d'asile,  
 Et s'enfuit d'épouvante au bruit de nos sermens."

This elegy closes thus ; the manner in which he alludes to the Bourbons will be noticed :

" Nous devons tous nos maux à ces divisions  
 Que nourrit notre intolérance.  
 Il est temps d'immoler au bonheur de la France  
 Cel orgueil ombrageux de nos opinions.  
 Etouffons le flambeau des guerres intestines.  
 Soldats, le ciel prononce, il relève les lis :  
 Adoptez les couleurs du héros de Bovines,  
 En donnant une larme aux drapeaux d'Austerlitz.  
 France, réveille-toi ! qu'un courroux unanime  
 Enfante des guerriers autour du souverain !  
 Divisés, désarmés, le vainqueur nous opprime ;  
 Présentons-lui la paix, les armes à la main.

Et vous, peuples si fiers du trépas de nos braves,  
 Vous, les témoins de notre deuil,  
 Ne croyez pas, dans votre orgueil,  
 Que, pour être vaincus, les Français soient esclaves.  
 Gardez-vous d'irriter nos vengeurs à venir :  
 Peut-être que le Ciel, lassé de nous punir,  
 Seconderait notre courage ;  
 Et qu'un autre Germanicus  
 Irait demander compte aux Germains d'un autre âge  
 De la défaite de Varus."

The second, "*La Dévastation du Musée et des Monuments*," from the character of its subject, does not possess any peculiar claim to our admiration. Truth lies at the foundation of all sympathy ; and we have no emotions to lavish upon either poetry or prose, however elevated the diction or pure the verse, when we are encountered at every step by extravagance and exaggeration. If the policy of Napoleon's amassing the European treasures of art at Paris be maintained, the dismemberment of the collection by the allies was equally justifiable, and we regret to see the poet of France wasting his eloquence and his ardour in an attack upon one of the very few deeds of those leagued oppressors, that can be defended. From this poem, which is essentially false in sentiment, we shall not quote.



The third of these, "*Messéniennes*" "*Du besoin de s'unir après le départ des étrangers*," is, perhaps, the most eloquent of all. It commences with these lines :

" O Toi que l'univers adore,  
O Toi que maudit l'univers,  
Fortune, dont la main, du couchant à l'aurore,  
Dispense les lauriers, les sceptres et les fers,  
Ton aveugle courroux nous garde-t-il encore  
Des triomphes et des revers ?  
Nos malheurs trop fameux proclament ta puissance ;  
Tes jeux furent sanglans dans notre belle France :  
Le peuple mieux instruit, mais trop fier de ses droits,  
Sur les débris du trône établit son empire,  
Poussa la liberté jusqu'au mépris des lois,  
Et la raison jusqu'au délire.

\* \* \* \* \*

Empire malheureux, voilà donc ton destin ! . . .  
Français, ne dites plus : " La France nous est chère ;"  
Elle désavouerait votre amour inhumain.  
Cessez, enfans ingrats, d'embrasser votre mère,  
Pour vous étouffer dans son sein.  
Contre ses ennemis tournez votre courage ;  
Au conseil des vainqueurs son sort est agité :  
Ces rois qui l'encensaient, fiers de leur esclavage,  
Vont lui vendre la liberté."

\* \* \* \* \*

Qu'entends je, et d'où vient cette ivresse  
Qui semble croître dans son cours ?  
Quels chants, quels transports d'allégresse !  
Quel bruyant et nombreux concours !

De nos soldats la foule au loin se presse,  
D'une nouvelle ardeur leurs yeux sont embrasés ;  
Plus d'Anglais parini nous ! Plus de joug ! Plus d'entraves !  
Levez plus fièrement vos fronts cicatrisés . . .  
Oui, l'étranger s'éloigne ; oui, vos fers sont brisés.  
Soldats, vous n'êtes plus esclaves !

Reprends ton orgueil,  
Ma noble patrie ;  
Quitte enfin ton deuil,  
Liberté chérie ;  
Liberté, patrie,  
Sortez du cercueil !

\* \* \* \* \*

Henri, divin Henri, toi qui fus grand et bon,  
Qui chassas L'Espagnol et finis nos misères,  
Les partis sont d'accord en prononçant ton nom ;  
Henri, de tes enfans fais un peuple de frères.  
Ton image déjà semble nous protéger ;  
Tu renaiss ; avec toi renaît l'indépendance :

O roi le plus Français dont s'honore la France,  
 Il est dans ton destin de voir fuir l'étranger !  
 Et toi, son digne fils, après vingt ans d'orage,  
 Règne sur des sujets par toi-même ennoblis.  
 Leurs droits sont consacrés dans ton plus bel ouvrage.  
 Oui, ce grand monument, affermi d'âge en âge,  
 Doit couvrir de son ombre et le peuple et les lis.  
 Il est des opprimés l'asyle impérissable,  
 La terreur du tyran, du ministre coupable,  
     Le temple de nos libertés.  
 Que la France prospère en tes mains magnanimes ;  
 Que tes jours soient sereins, tes décrets respectés,  
     Toi, qui proclames ces maximes :  
 O rois, pour commander, obéissez aux lois ;  
 Peuple, en obéissant, sois libre sous tes rois !

Desirous of giving a fair view of these poems, we have extracted at considerable length, and if the specimens have been well selected, it will be seen that their thoughts are bold, and their language commanding ; that they possess considerable grace and great dignity, and that they are thoroughly imbued with that national tone, that devotion to the glory of France, which is at once the easiest and the surest mode of winning the affections of that singularly excitable people. Altogether, considering the age of their writer, they are uncommon productions. And now we have said all. They do not possess that original, and self-created energy, which is not borrowed from the feeling of the day, but which gives to the time its tone and temper ; they have not that perfect simplicity, and that freedom from all artificial restraint, which defies the power of education and circumstance ; which penetrates all ranks, contemning alike the rudeness and ignorance which hem in the lower classes, and the more impenetrable *triplex æs* of habit and art and mode, which destroy the sympathies of the upper. They are French, it is true, but they are also classical, and that in its bad sense—they bear the marks of that devotion to former learning, and that affection for the "*ancient paths*," which, while it sometimes supplies with a happy allusion, or a pertinent quotation, more rarely has the effect of substituting imitation for originality, and weakness for vigour.

While we commend the purity of these poems, and approve of that tone which avoids all low personalities, we, perhaps, feel the want of that excitement of which the subject can, with difficulty, be deprived. Moderation and equanimity are ever desirable, but there are times when the fascinating abuse of the patriotic satirist, will perhaps command a larger audience, than the mild precepts of the unbiassed philosopher ; and when

the universal agitation of the mass excuses, if it does not call for, the vehemence of the individual.

But in detracting at all from the merits of Delavigne, we are opposing the *dictum* of a single foreigner to the sentiment of an immense circle of his countrymen, who are able to explain discrepancies, reconcile inconsistencies, and remove all stumbling blocks from the path of their favourite, by that more intimate knowledge which we may scarcely hope to possess. With the classicists of France, and perhaps with a majority of their literary public, Delavigne ranks higher than Béranger. More correct in morals, and less faulty in style, he seems to us far inferior in power and originality. The terms in which they speak of him are not warranted by any of his works which have reached us. Nor do we consider it the dictate of modesty or impartiality to yield our judgment implicitly to that of the French critics, on all subjects connected either with their literature, or their politics. They are liable to be biassed by many causes which do not operate upon a foreigner.

Equally removed from the influence of the stormy passions which convulse their political, and the violent prejudices which agitate their reading world—equally aloof from the struggles of the "*Extrême gauche*," with the "*Centre droit*," and of the classicists with the romanticists, perhaps we can adjust the scale between Perrier and Lafayette, or Delavigne and Béranger, with a more equal hand than any one that throbs with all the conflicting emotions, fears and desires, which now beat with a fever-pulse, from one end to the other of that noble country.

There is also, it must be noticed, a peculiar tendency to exaggeration in behalf of those, who identifying themselves with the tone and temper of the day, acquire a reputation as universal as the feeling of which they are the representatives, and frequently as ephemeral. Of all the poets who, by these means, have commanded the attention and the applause of their contemporaries, how many are known to the nineteenth century? Where now shall we look for the fame of the satirists of the Fronde—where for the renown of Marvell and Quarles—of Chenier or Lebrun? The last echo of "*Cà Ira*" has died away, and even the national chorus of "*God save the King*," may not fill the mouths and salute the ears of the next generation of that loyal born people, the English.\* In our own country *non*

\* Vid. Edin. Rev. No. 105, p. 239. "The people of England are naturally fond of kings and nobles; they are eminently a royalist and aristocratic race. This in plainer English would be—the people of England are naturally fond of seeing others better off than themselves; they are eminently attached to tithes and taxes."—The Whigs and Radicals combined have won a comparatively easy victory over the Tories; the hardest and bitterest strife is yet to come; that between the Whigs and

*est inventus* must be returned to any search for the reputation of Freneau; and the more polished verses of Hopkinson, also celebrating the great themes of the last century, have fallen into almost equal disrepute with a wilful generation, more occupied in the discussion of Tariffs, Colonization and Temperance Societies. But forgotten though these defenders of human rights may be individually, in a succeeding age, it is not to be supposed that their influence has died away with their ephemeral reputation. Thought must ever reproduce thought; it is one of its great prerogatives that it can never be annihilated: that the thorns have no power to choke, nor the sun to scorch it; whether thrown on the way side or falling into stony places, or planted in good ground, it will ever bring forth fruit. Multitudes of writers and writings appear closely to resemble the fertilizing principle of the gardener and the agriculturist. They are absorbed into the surrounding world and disappear. They are reproduced, but under such different forms, that it is not easy to ascertain which they have forced into existence, or with what they are incorporated. Thus the Quarles of one century may again exist in the Tooke or the Cartwright of the next, and these again enrich the broad field of human intellect, which, in its time, brings forth a Bentham or a Mills. The forgotten satirists of Richelieu and Mazarin, are the predecessors of the La Harpes and Cheniers, and these again give place to the Delavignes and Bérangers. A perpetual reproduction is going on: the great object is to advance the mental tillage, and make the crop of one age an improvement on that of the last. Woe to those slothful servants who shall retrograde or make no progress! These are the Polignacs and Wetherells—the advocates of corn laws, and—shame that such backward cultivators should be found in our virgin soil—with us, the abettors of American systems.

The poems of Delavigne are the most conspicuous manifestations of that public sentiment now dominant in France, and, as such, they are justly entitled to the admiration they enjoy; whether his reputation will survive the present stormy day, and float down the more tranquil current which awaits the French nation, when the period of uncertainty and of excitement shall have passed, may be considered very doubtful, when we remember the fate of so many of his predecessors.

The next poems of the same class with his first, which were published by Delavigne, are entitled "*La Mort*," and "*La Vie de Jeanne D'Arc*." They have no immediate connexion with

the Radicals; when this latter fray is over, it may be that we shall find some of our (foreign) Dagoes prostrate on their faces.

the more recent topics of French history; but the manner in which they are associated by the author's mind with subjects of general interest, may be seen by the following conclusion of the second:

"Notre armée au cercueil eut mon premier hommage;  
 Mon luth chante aujourd'hui les vertus d'un autre âge:  
 Ai-je trop présumé de ses faibles accens?  
     Pour célébrer tant de vaillance,  
 Sans doute il n'a rendu que des sons impuissans;  
 Mais, poète et Français, j'aime à vanter la France.  
 Qu'elle accepte en tribut de périssables fleurs.  
 Malheureux de ses maux, et fier de ses victoires,  
 Je dépose à ses pieds ma joie ou mes douleurs:  
     J'ai des chants pour toutes ses gloires,  
     Des larmes pour tous ses malheurs.

The date of the "*Messéniennes*" which followed, published between 1816 and 1824, may be ascertained with sufficient precision from the events to which they refer. They are "*Le Jeune Diacre ou La Grèce Chrétienne*;" "*Parthénope à l'étrangère*;" and "*Les ruines de la Grèce Payenne*." These appeared together; then came the "*Trois Messéniennes nouvelles*," "*Tyrtée aux Grecs*;" "*Le Voyageur*;" "*A Napoléon*;" and the one which closes the volume "*Lord Byron*."

The five first of these, in accordance with their titles, refer to the Neapolitan and Greek struggles for liberty, and the following commencement of the second "*Parthénope à l'étrangère*" is a favourable specimen of Delavigne's verse.

O femme, que veux tu?—Parthénope, un asile.  
 —Quel est ton crime?—Aucun.—Qu'as tu fait?—Desingrats.  
 —Quels sont tes ennemis?—Ceux qu'affranchit mon bras;  
 Hier on m'adorait, aujourd'hui l'on m'exile.  
 —Comment dois-tu payer mon hospitalité?  
 —Par des périls d'un jour et des lois éternelles.  
 —Qui t'osera poursuivre au sein de ma cité?  
 —Des Rois.—Quand viendront ils?—Demain—De quel côté?  
 —De tous—Eh bien! pour moi tes portes s'ouvrent-elles?  
 —Entre, quel est ton nom?—Je suis la Liberté.  
     Recevez la, remparts antiques,  
     Par elle autrefois habités;  
     Au rang de vos divinités,  
     Recevez la, sacrés portiques;  
     Levez vous, ombres héroïques  
     Faites cortège à ses côtés.  
 Beau ciel Napolitain, rayonne d'allégresse.  
     O terre, enfante des soldats,

Et vous peuples, chantez ; peuples, c'est la déesse  
Pour qui mourut Léonidas.

The poem addressed to Napoleon is a severe attack upon his character and his policy, and that on Byron is, perhaps, an equally extravagant eulogy. We cannot forbear extracting from the latter, the following translation or paraphrase of one of the English poet's finest passages,\* as it is strikingly illustrative of the different genius of the two languages.

“ Contemplez une femme, avant que le linceuil  
En tombant sur son front brise votre espérance,  
Le jour de son trépas, ce premier jour de deuil :  
Où le danger finit, où le néant commence :  
Quelle triste douceur ! quel charme attendrissant !  
Que de mélancolie, et pourtant que de grâce  
Dans ses lèvres sans vie où la pâleur descend !  
Comme votre œil admire en frémissant  
Le calme de ses traits dont la forme s'efface,  
La morne volupté de son sein pâlisant !  
Du corps inanimé l'aspect glace votre âme ;  
Pour vous-même attendri, vous lisez vos destins  
Dans l'immobilité de ses beaux yeux éteints.  
Ils ont séduit, pleuré, lancé des traits de flamme,  
Et les voilà sans feux, sans larmes, sans regard !  
Pour qu'il vous reste un doute, il est déjà trop tard :  
Mais l'espoir un moment suspendit votre crainte,  
Tant sa tête repose avec sérénité !  
Tant la main de la mort s'est doucement empreinte  
Sur ce paisible front par elle respecté,  
Où la vie en fuyant a laissé la beauté.  
C'est la Grèce, as tu dit, c'est la Grèce opprimée,  
La Grèce belle encor, mais froide, inanimée ;  
La Grèce morte ! ”

The remainder of this volume consists of “ *Poésies diverses*, ” and of his manner in these fugitive pieces, which have no particular aim, “ *L'Attente*, ” (p. 105) will give a fair idea.

“ L'aurore a chassé les orages :  
D'un voile de pourpre et d'azur,  
Elle pare un ciel sans nuage ;  
L'onde roule un cristal plus pur.

Sur un gazon humide encore,  
Aux premiers regards du soleil,  
La rose, se hâtant d'éclore,  
Ouvre un calice plus vermeil.

\* He who hath bent him o'er the dead, &c. &c.

Un zéphir plus doux la caresse ;  
 Les oiseaux sont plus amoureux ;  
 La vigne avec plus de tendresse,  
 Embrasse l'ormeau de ses nœuds.

Dans ces retraites solitaires,  
 Tout s'embellit de mon espoir :  
 Frais gazons, beau ciel, onde claire,  
 Sauriez vous qu'elle vient ce soir ?"

We have, also, in this volume, a "*Dithyrambe sur la naissance du Roi de Rome*;" among the first of his published pieces an "*Epître à Messieurs de L'Académie Française*," and "*La Découverte de la Vaccine*," a poem on a displeasing, if not a disgusting subject, but which, nevertheless, received the first of the secondary prizes of the French academy in 1814. The same bad taste which could dictate the choice of such a subject, appears occasionally, under different forms, in his best productions. As, for instance, in "*La Mort de Jeanne D'Arc*," the heroine is at the stake, and the poet thus cries out for assistance :

"Tonnez, confondez l'injustice,  
 Cieux, obscurcissez-vous de nuages épais ;  
 Eteignez sous leurs flots les feux du sacrifice,  
 Ou guidez au lieu du supplice,  
 A défaut du tonnerre, un chevalier français."

Again, in the "*Jeune Diacre*," a young Greek, summing up the woes of his country, is made to utter the following anticlimax :

"O nature, ta voix si chère  
 S'éteint dans l'horreur du danger ;  
 Sans accourir pour le venger,  
 Le frère voit frapper son frère ;  
 Aux tyrans, qu'il n'attendait pas,  
 Le vieillard livre le repas  
 Qu'il a dressé pour sa famille ;  
 Et la mère, au bruit de leurs pas,  
 Maudit la beauté de sa fille."

Upon these occasional blemishes, however, we do not wish to lay any great stress.

In 1826 or 1827, M. Delavigne published "*Sept Messénienes nouvelles*." Of these poems, we have seen only some

extracts in a French periodical, which appeared spirited and graceful, but they were not cited sufficiently *in extenso* to enable us to form any certain opinion of their merits. They purport to have been written while the author was sailing across the Mediterranean, or travelling through Italy, and they relate principally to the Greek and Italian struggles for freedom; one is on the death of General Foy. These poems, although, generally, not upon subjects connected with the interests, are still imbued with the spirit of liberty, and they appear to have maintained, if not increased, their author's reputation. But Delavigne had, in the mean time, placed his fame upon a surer foundation than that of a score of elegies. We come now to consider his dramas, to which he owes not perhaps the greatest, but certainly that which will prove the most permanent portion of his reputation.

The dramas which our author has published are, in the order of time, "*Les vèpres Siciliennes*," "*Les Comédiens*," "*Le Paria*," "*L'Ecole des Vieillards*," and "*Marino Faliero*." The first of these, which was written, as it appears, shortly after the first of the "*Messéniennes*," is founded upon that portion of history which has furnished Mrs. Hemans, also, with the subject of a tragedy. The *début* of this play was singularly successful. On its very first representation, owing, as it is said, solely to a couplet which was interpreted by the audience into an attack upon some of the reigning principalities or powers, but which was vehemently denied by Delavigne to have been so intended, it was received with unbounded applause, and secured for itself and its author an universal, if a temporary, reputation. The laudatory huzzas of the whole body of those gallant soldiers, the National Guard, may, however, be but doubtful credentials of immortality with our children of "sixty years hence."

The "*Vèpres Siciliennes*" was followed up, 1821 or thereabouts, by "*Les Comédiens*," an agreeable and well written comedy, the interest of which is founded upon the rebuffs received by a young poet from a corps of actors, to whom he has submitted his first production, and in which M. Delavigne is said to shadow forth the mortifications he suffered from the slight attention paid by the performers of the *Comédiens Français* to his tragedy. Not long afterwards appeared his "*Paria*," and in 1823, "*L'Ecole des Vieillards*," which form the third and last volumes of the edition of his works, published in 1826, and from which, as furnishing a fair and favourable specimen of his tragic and comic powers as then developed, we shall make some extracts.



"Qu'est ce qu'un Pariah?" asks M. Duviquet, in his *examen critique* of this tragedy; and the answer gives an immediate idea of its simple plot, and uninvolved interest. *Zarès*, a Pariah, belonging to that Hindoo caste, to which we know nothing analogous among the tribes of our continent, nor perhaps in any other Asiatic nation—the aspect of which, to all the higher orders, is abomination, and the touch, corruption—*Idamore*, his son, *Akébar*, the high priest of Brama, and occupying the most elevated, as the poor Pariah does the lowest situation in that land, where the "Theory of ranks" is so admirably understood, and his beautiful daughter, *Néala*, are the principal personages. The parts of *Alvar*, a Portuguese friend of *Idamore*, and of *Empsaël*, a Brahmin, are subordinate and unimportant. The scene is laid in Benares.

After giving the simple *Dramatis Personæ*, it is almost superfluous to go into any elaborate exposition of the plot. Even those unversed in scenic intricacies, and *dénouements*, will have deduced the legitimate consequences. They, no doubt, have already learned that *Idamore*, young and fearless, not yet degraded and brutified by the scorn and contempt of his fellows, and pining for distinction, escapes from his father's hut, and, concealing his birth, joins the nation of the Hindoos, inhabiting the province of Benares—that his successful valour obtains for him the highest rank among their warriors—that *Akébar* becomes jealous of his influence, and, to bring the haughty soldier under his control, offers him his beautiful daughter to wife; that *Idamore*, already her lover and beloved, reveals to her his birth, that she may not be ignorant, in marrying the adored of her heart, and the idol of her nation; that she links herself to danger and infamy; perhaps not the more remote for being at present concealed; that horror-struck at first, her tenderness finally vanquishes her superstition, and she consents to wed him; that at the moment when the ceremony is about to be performed, the unhappy father, *Zarès*, in quest of his lost son, appears upon the stage; that,—but from here our extracts will perhaps best carry on the story.

*Act 3d, S. 2d—Zaide and Mirza are young priestesses, associated with Néala.*

NEALA, ZAIDE, MIRZA, ZARES, LE CHOEUR.

"*Zarès. Il est appuyé sur un bâton.*

Prêtresses des forêts, j'ignore vos usages;

Puis-je au pied de vos murs m'asseoir sous ces ombrages?

D'un moment de repos ma faiblesse a besoin.

N. Vieillard, vous le pouvez.

Z. J'arrive de si loin !

N. (*s'approchant pour le soutenir,*)

Tout en vous nous révèle un pieux solitaire.

Z. Moi !

N. Qui donc êtes-vous ?

Z. Etranger sur la terre.

(*Aux prêtresses qui l'entourent.*)

Je ne mérite pas ces secours empressés.

N. Vous êtes malheureux ?

Z. Je le suis.

N. C'est assez.

(*Il s'assied sur le banc de gazon.*)

Je dois vous les offrir. Pourquoi, courbé par l'âge,

Entreprendre sans guide un pénible voyage ?

Z. Je n'ai pas un ami.

N. De l'hospitalité

Nul n'a rempli pour vous le devoir respecté !

Qui vous nourrit ?

Z. Les dons du passant que j'implore,  
Pauvre, demandant peu, recevant moins encore,  
Satisfait cependant.

N. O Dieux, que je vous plains !  
Vous venez visiter les tombeaux de nos saints,  
Consulter le grand-prêtre, ou bien votre vieillesse  
D'un long pèlerinage accomplit la promesse ?

Z. Non.

N. Que cherchez-vous donc ?

Z. Un bien que j'ai perdu.

N. S'il dépend d'un mortel il vous sera rendu,  
Faut-il armer pour vous l'autorité suprême ?  
Mon père est tout-puissant.

Z. Vous l'aimez, il vous aime—  
Ne le quittez jamais !

N. D'où vient que vous pleurez ?

Z. Hélas ! c'est malgré moi.

N. Mais, si vous l'implorez,  
Akébar va d'un mot finir votre misère.

Z. Un seul homme le peut : il le voudra, j'espère.  
Le chef de vos guerriers.

N. Idamore ?

Z. C'est lui."

This conversation is carried on a short time longer when it is interrupted by the entrance of Idamore, who had been already prepared by his friend Alvar to receive a suitor, and the fourth scene commences thus.

ZARES, *assis*, IDAMORE.

" I. Etranger, quel revers faut il que je répare ?  
Puis-je vous rendre un bien dont le sort vous sépare ?  
Répondez.

Z. C'est lui-même ! il m'a parlé ! j'entends  
Cette voix, dont les sons m'avaient fui si long-temps !

I. Dans mon cœur attendri quel souvenir s'éveille ?  
Où suis-je, et quels accens ont frappé mon oreille ?  
Je le connais.....Que vois-je.

Z. Un vieillard insensé,  
Qui poursuit un ingrat dont il fut délaissé  
Qui voulait de rigueur armer son front sévère,  
Et sent frémir pour toi ses entrailles de père.

I. Dieux ! vous m'ouvrez vos bras !

Z. La nature a ses droits,  
Plus forts que ma raison. Viens, viens, je te revois !  
J'ai pardonné !

I. Mon père !

Z. O moment plein de charmes !  
Idamore, ô mon fils ; ô jour ! ô douces larmes !  
Tu m'aimais, je le sens ; pourquoi m'as-tu quitté ?  
Quel horrible abandon ! et je l'ai supporté !  
Je résiste à l'ivresse où mon âme se noie !  
On ne peut donc mourir de douleur ni de joie !

I. Quoi ! vous me pardonnez ?

Z. (*Il se lève et regard son fils.*)

Heureux progrès des ans !  
Que son port est plus fier, ses traits plus imposans !  
Que son aspect m'enchanté !

I. O ciel ! par quel ravage  
Les ans sur son front pâle ont marqué leur passage !

Z. Ce ne sont pas les ans, mon fils, mais les chagrins."

\* \* \* \* \*

The object of the old Pariah who detests his race as much as he is loathed by it, is to induce his son to quit the pursuits of men—to leave his young and beautiful affianced wife—to sacrifice his honours—and follow himself into the deserts, retorting, if he can not avenge, the scorn with which he will be looked upon. The solicitations of the father, and the hesitations of the son, are contained in a long conversation by no means capable of being inserted here, and the following passage closing it must be our last extract from this play.

"Zarès. C'est tenir trop long-temps votre choix en balance.  
Je me rends importun par tant de violence.  
Je pars ; mais satisfait, car je puis vous haïr....  
Une seconde fois courez donc me trahir ;  
Rejoignez la beauté qui m'a ravi votre âme ;  
Votre heureux père attend, allez, il vous réclame.  
Moi, qui n'ai plus de titre et respecte les leurs,  
J'irai jusqu'où mes pas porteront mes douleurs....

*(Reprenant son bâton de voyage.)*

“ Seul et fidèle appui qui reste à ton vieux maître,  
Viens, sois mon guide au moins puisqu'il ne veut pas l'être.  
O forêts d'Orixa, bords sacrés, doux sommets,  
Humble toit, qu'il jura de ne quitter jamais,  
Mer prochaine, où mes bras instruisaient son courage  
A se jouer des flots brisés sur ton rivage,  
Me voici, recevez un père infortuné ;  
Je reviens mourir seul aux champs où je suis né.  
Celui qui me doit tout repousse ma prière ;  
Ses mains ont refusé de fermer ma paupière ;

*(Il dit ces derniers vers en marchant.)*

Je n'attends plus de lui pitié ni repentir ;  
Je le fuis, je le hais....Tu me laisses partir,  
Idamore ?

*I.* Arrêtez.

*Z.* Tu me retiens ! tu pleures !

Ah ! le remords te parle. A regret tu demeures :  
Tu me suivras. Pour vaincre il suffit d'un effort ;  
Prends courage à ma voix, achève, plains mon sort,  
Songe à mon désespoir ; regarde-moi : mes larmes,  
Pour dompter ton amour, te donneront des armes.  
Rends-moi ton cœur, mes droits, mes plaisirs, mon pays,  
Rends-moi, rends-moi mes dieux en me rendant mon fils.  
Cède, obéis, partons ; ah ! partons !....

*I.* Eh ! mon père,

Puis-je en l'abandonnant emporter sa colère ?  
Souffrez que je la voie une heure, un seul moment,  
Et je vous jure....

*Z.* Eh bien !

*I.* Oui, j'en fais le serment.....

Je vous suivrai.”

This hour of grace is, as might be expected, protracted to twelve. Alvar is sent to apprise the old Pariah of the delay, and in the sacred wood and in the presence of the whole people, Akébar commences the performance of the ceremony uniting Idamore to his daughter, who has already consented to fly immediately afterwards to join her father-in-law. But, unfortunately, Alvar does not meet Zarès—the old man is acquainted with the marriage rites, then just upon the point of being solemnized by one of the Brahmins; in his anxiety he has approached so near as to pollute holy ground; and in his agony at supposing that Idamore has betrayed him, and broken his faith, he re-

veals his own caste. At this he is instantly seized by Empsael's order and dragged before the high priest ; who, in spite of the solicitations of the Portuguese, his daughter, and his adopted son, sentences him to immediate death. "Immolez donc le fils avec le père," exclaims Idamore, "s'élançant devant Zarès." The whole scene is now changed. The young warrior implores that the sacrifice of his life may save that of his father. Akébar, whose former jealousy and hatred now revive, easily assents to this arrangement, and the fourth act closes with a very powerful lyrical effusion, the parties to which are the Brahmins, the warriors and the people ; and its subject, the greatness and power of Brama, and the horrors of the day of his vengeance.

The fifth act is necessarily short. Zarès is pardoned, and Idamore sentenced to be stoned to death by the secret convocation of the priests. The sentence is executed, and the account of the hero's execution is brought to Akébar by Empsael. When the narrator arrives at that part of his story, where Idamore "tombe accablé," the old priest can no longer retain his triumphant emotions :

*Akébar.* "Je n'ai plus de rival et ma fille me reste !

*Empsael.* Mais une femme accourt, elle approche, elle atteste

Sur ces membres flétris qu'ont dispersés nos coups,

Qu'elle aimait Idamore et qu'il est son époux.

J'ai profané, dit-elle, un divin ministère.

Pour vous j'offrais au Gange un encens adultère ;

J'ai trahi son hymen, j'ai violé mes vœux,

Et j'attends de vos lois le prix de ces aveux."

This confession of the unhappy Néala once more changes the scene ; she is necessarily involved in the guilt and infamy of the accursed Caste, and though her father's power saves her life, he is compelled to doom her to eternal exile, and the drama closes by her departure, in company with Zarès, to whom she devotes herself, to atone so far as she can for the grievous loss he has suffered through her.

It will be perceived, from our extracts, that this play is one of very considerable merit. The diction, the versification, the thoughts, all are striking, and though there is no marked developement of character, and no deep interest, still, upon the whole, it is an impressive tragedy. But, on the other hand, it does not contain any traits of original genius, or of that species of mind which is better satisfied with clearing a path for itself, rough and arduous though it be, than with walking under the

pleasant shades, or on the levelled walks of ancient fashion or usage. The formal and swelling language, the constant and somewhat vulgar dread of the least vulgarity, and the eternal unities—all those peculiar features which make the French drama resemble but too much Agelia's promenade in Me. de Genlis' "*Palace of Truth*," everlasting clear sky and green sward—we find in Delavigne quite as constantly recurring as in any of the dramatists of the reign of Louis XIV. Indeed, we have extracted nothing which would appear out of place in the pages of Corneille or Racine. We do not say that they are equal, nor are we sure that they are inferior; we refer simply to that common manner which is termed "so peculiarly French."

Our author's fourth drama, "*L'Ecole des Vieillards*," is, as may be surmised, a comedy, and belonging to the same caste with his other productions; we shall not canvass it at any great length. The original idea is the same with that of Molière's "*Ecole des Maris*," and though it is not liable to many of the objections to which the elder play is open, the moral may still be considered wanting in elevation, if not absolutely faulty.

Would it not be a more worthy and dignified object for him, who aspires to unite the functions of the dramatist and the moralist, to show the unsound state of that society—in a certain class of which, if we are to believe travellers, novelists, playwrights and essayists, no husband and no father can consider his honour or the happiness of his family secure—than to send all the *vieillards* of Paris to school, to learn that if they wed any but a *bonne vieille*, they will, too, probably be the sport of that bird of ill-omen which "mocks married men?"

Such is the tenor of the "*Ecole des Vieillards*," for though the heroine, or rather the wife of the hero, Hortense, does not disgrace herself during the play, you feel no security either for herself or her husband, that she will not, before the curtain rises for the after-piece. The plot is simply this. Danville, an old man "soixante ans et plus, grand propriétaire" of Havre, marries Hortense, the young and beautiful daughter of a poor and insignificant Madame Sinclair. He sends his wife up to Paris, and, unfortunately, does not follow her for some months. On arriving there, he finds a young Duc d'Elmar, famous for his "*bonnes fortunes*," entirely devoted to his wife. Owing to several circumstances, which form the materials of the orthodox quantum of acts and scenes, the amiable old man is fairly roused to suspicion; his suspicions are, as he imagines, but too well founded, and he determines on revenge. In this posture of affairs, Elmar discloses his affection to Hor-

tense at her own house, and somewhat prematurely. Madame Danville, who, though whimsical and unstable to the last degree, is not yet sufficiently enamoured of the young peer to have forgotten her husband's generosity and devotion, rejects him with disdain, and forbids him the house. They are interrupted by the approach of the spouse; and Hortense, in alarm, has recourse to the established expedient of the closet. Danville discovers the Duke; and, in his passion, challenges him to single combat, in which the former is disarmed. Upon this coming to his wife's knowledge, an explanation and reconciliation takes place; Hortense, to show her sincerity, begs to be taken back to Havre, and poor Danville, in ecstasy, exhorts his old friend, Bonnard, to follow his example, and seek happiness in an union with another Hortense. As we have said, however, the impression left upon the mind, is wholly against the probable security of Danville's felicity, and every reader will acknowledge the wisdom of Bonnard's reply, which, to receive more force, closes the play.

“ Bien obligé.

De tes réflexions j'ai la tête remplie;  
 Epouser aussi tard femme jeune et jolie,  
 Cela peut réussir, mais ce n'est pas commun.  
 Tu fus heureux, d'accord; sur mille on en trouve un.  
 Quand je touche, Danville, au terme du voyage,  
 Dans un chemin douteux tu veux que je m'engage ?  
 Où d'autres ont glissé, je puis faire un faux pas,  
 Et ton ami Bonnard ne se marîra pas.

The following extract, from the first act of this play, where Danville introduces Bonnard to his wife, will, perhaps, exhibit in as favourable a light as we could place it, the *vis comica* of M. Delavigne :

SCENE 4th.—*Danville, Bonnard, Hortense.*

*Danville.* Tu vois, ma chère Hortense,  
 Un camarade à moi, mon compagnon d'enfance,  
 Mon mentor au collège; élève à Mazarin,  
 Bonnard m'a sur les bancs disputé le terrain;  
 Je l'aimais à quinze ans, et je te le présente  
 Comme un des vrais amis que j'estime à soixante.

*H.* Monsieur m'est connu.

*B.* Moi !

*H.* Votre fraternité

Fit proverbe autrefois dans l'université.

*B.* Il est sûr qu'avec lui je vivais comme un frère.

*H.* Si nous en exceptons vos débats sur Homère.

*B.* Achille était son Dieu.

*H.* Vous préféreriez Hector.

B. Vous le savez ?

H. Bon Dieu ! j'en sais bien plus encor ;  
Danville est très-causeur.

B. Causeur par excellence ;  
C'est vrai.

H. Vous souvient-il de certaine imprudence,  
Qui lui valut de vous un superbe sermon ?

D. Il sermonait toujours.

B. Lui, c'était un démon !

H. D'un prix de vers latins . . .

B. Madame !

H. D'une thèse,  
Qui vous fit un honneur !

B. C'est en soixante-treize ;  
Oui vraiment : quoi ! Madame, on vous en a parlé ;  
Quel charmant souvenir vous m'avez rappelé !

(A Danville.)

Elle a beaucoup d'esprit.

D. N'est ce pas ?

H. Je m'arrête ;  
Vos triomphes passés vous tourneraient la tête.  
Mais voyez nous souvent ; en causant tous les trois,  
Nous ferons reverdir vos lauriers d'autrefois.  
Pour Madame Bonnard, je veux aller moi-même—

B. (embarrassé.) Je suis ———

D. Il est garçon et garçon par système.

B. Me voilà converti.

\* \* (Bonnard sort.)

HORTENSE (riant aux éclats.)

Dieu ! qu'il est amusant ! mais c'est un vrai trésor.

Il a ressuscité les mœurs du siècle d'or ;

Il dîne le matin, à l'antique il s'habille,

Et j'ai cru voir marcher un portrait de famille."

We come now to the most recent work by our author, which has reached us, *Marino Faliero*. Byron has, somewhere, in speaking of Bowles, canonized the truism, that it is the highest praise of a writer's genius, if his last work be pronounced his best. M. Delavigne deserves all this credit, and vastly more ; not only is this, his latest production, his ablest, but he has attained this end, by being the first to take the first step in what may be strictly termed a new "march of intellect," by violating the fundamental canons of French taste, by defying the

"Bravos du faubourg Saint Germain,"

and by sacrificing, no doubt, many of his own prejudices. A bold and judicious abandonment of those leading principles which have been the cynosure of the French dramatists almost since the days of the mysteries and moralities, and a happy



adoption of some of the peculiarities of the foreign theatre, have enabled M. Delavigne to win a victory not only for himself and his play, but for the cause of true taste and right reason, over the prejudices of *badauds*, and not less wonderful, over the bigotry of academicians—a victory which cannot, we think, fail to exert a happy influence on the drama, and, generally, on the literature of his country.

We perhaps shall scarcely be believed, that, in *Marino Faliero*, the unity of place is avowedly abandoned, and the unity of action, according to the French practice hitherto, equally disregarded—that a sculptor, a bandit and a gondolier are introduced upon the stage, not as supernumeraries, nor to swell the suite of the hero, but as, for the time being, the prominent personages—that a duel is actually fought, and one of the principal characters killed on the stage; and yet is this a French tragedy—a tragedy as superior in our estimation to the “*Paria*” and the “*Vêpres Siciliennes*,” as they are to the most meagre of the performances of Jodelle or Mairet.

This striking, and to some it may appear, sudden change, is the result of many causes which have been at work since, and even before, Voltaire fulminated his edicts against the English drama. The increase of pacific intercourse between the two nations, and the consequent substitution of a spirit of mutual respect and emulation, instead of the former feelings of bitter hostility—the greater acquaintance with the models of English *Belles lettres*, facilitated by the translations and imitations of Ducis and others—the rapid growth of the neighbouring literature, which, imbued as it is with the spirit of ancient and modern learning, has freed itself from all their shackles—and, above all, their own conviction that, with the former solid axioms of taste, the character of their language could scarcely be maintained, and certainly not advanced—all these have contributed to this change—a change which is another instance of that spirit of alteration and improvement abroad on the troubled waters of Europe. We now proceed to analyze this

“Herald of a happier day,”\*

which, in some respects, is differently conducted from its great prototype of the English stage.

The play opens in the palace of the Doge with a soliloquy of his wife Elena, who is at this time overwhelmed with anxiety and fear, lest her illicit intercourse with her husband's nephew

\* The day on which M. Delavigne's last play appeared (30 May, 1829) should be recorded as the commencement of a new æra.

should be discovered. A scene ensues between her and her lover *Fernando* (Byron's *Bertuccio Faliero*,) and then follow the dialogue between the Duke and his nephew on the subject of Steno's insult, the annunciation of the sentence of the Forty, and the interview with Israel Bertuccio, as in the English play, which, however, is broken off and postponed till they again meet at a ball given that night by the Senator Lioni. The second act opens at Lioni's house. This personage is made more prominent than in Byron's drama, and is described as,

" affable en ses discours,  
Dans ses actes cruel, esprit fin, âme dure,  
Assistant du même air au bal qu' à la torture,  
Soupçonneux mais plus vain ; et dans sa vanité  
Epris d'un fol amour de la popularité.

Here Steno, well drawn as a bold, self-possessed, volatile libertine, is introduced, and, by his solicitations, prevails upon the host to allow him (as his imprisonment commences on the following day) to pass the evening at the entertainment, trusting for concealment to his mask. The fifth scene, where the ball opens, will perhaps show how very different the "*Marino Faliero*" is, from all its *cognati* and *agnati* of the French theatre.

FALIERO, ELENA, FERNANDO, BENETINDE, LIONI, ISRAEL, SENATEURS,  
COURTISANS, &c. &c. &c.

*Lioni. (au Doge.)*

Posseder son Altéssé est pour tous un bonheur  
Mais elle sait quel prix j'attache a tant d'honneur.

*F.* Je ne devais pas moins à ce respect fidèle  
Dont chaque jour m' apporte une preuve nouvelle.

*L. (à la Duchesse)*

Madame, puissiez vous ne pas trop regretter,  
Le palais que pour moi vous voulez bien quitter.

*E.* Vous ne le craignez pas.

\* \* \*

*L. (Aux nobles Vénitiens)* Soyez les bienvenus !

*(à Israel)* Je recois ton hommage,  
Mon brave !

*Israel, (bas à Lioni)*

Sous le Duc j'ai servi vaillamment ;  
Il peut me protéger, présentez moi.

*L. (Le prenant par la main)*

Comment !

*Viens.*

*Elena. (regardant une peinture.)* De qui ce tableau ?

*I.. (Qui se retourne en présentant Israel)*

## D'un maitre de Florence

Du Giotto.

*Le Doge. (à Israel)* Dès ce soir vous aurez audience.*Benetinde (regardant le tableau tandis qu' Israel cause avec le Doge,)*

Où se passe la scène?

*Lioni (qui se rapproche à lui)* Eh, mais ! a Rimini.

La belle Francesca, dont l'amour est puni,  
 Voit tomber sous le bras d'un epoux trop sévère  
 Le trop heureux rival que son cœur lui préfère.

*E. (à part)* Je tremble.*L.* Quel talent ! regardez : le jaloux

Menace encor son frère expirant sous ses coups.

*Ben.* Son frère ou son neveu.*Fer.* Dieu !*Lioni (à Benet.)* Relisez le Dante :*(à la Duchesse)*

Son frère Paolo. Que la femme est touchante !

N'est ce pas ?

*E.* Oui, sublime.*(Ici les premieres mesures d'une danse venitienne)**L.* Ah ! j'entends le signal.*(Au Doge)*—Monseigneur, passe-t-il dans le salon du Bal ?*Fa.* Ces divertissemens ne sont plus de mon âge.*L. (lui montrant les échecs)*

On connaît votre gout, voici le jeu du sage :

\* \* \* \*

Under the cover of a game of chess, which no buskined hero ever played in France before, Israel and the Doge concert their plans, and the latter consents to meet the conspirators the same night near the church of Saint Jean et Paul (San Giovanni e San Paolo.) Shortly afterwards, Steno, who has amused himself by persecuting the Duchess with his attentions, is discovered by Bertuccio, and Faliero, too proud to accuse Lioni of his violation of the rights of hospitality, immediately leaves his palace. Fernando, however, remains, with the intention of identifying the libertine, and avenging his uncle and his mistress. The following scene describes their meeting.

## FERNANDO. STENO.

*Sténo. (Qui est entré avec precaution, en otant son masque)*  
 Personne ! ah, respirons ! *(Il s'assied dans un fauteuil et se sert de son masque comme d'un éventail.)*

Que la Duchesse est belle !

Je la suivais partout. Point de grace pour elle.

*(regardant son masque)*

L'heureuse invention pour tromper un jaloux

Nuit d'ivresse ! un tumulte ! ah ! le désordre est doux ;  
Mais il a son excès ; tant de plaisir m'accable.

*Fernando—(à voix basse.)*

Je vous cherche, Sténo,

*St. Moi !*

*Fer. Je cherche un coupable.*

*St. Dites un condamné surpris par trahison.*

*Fer. Vous vous couvrez d'un masque et vous avez raison.*

*St. (Qui se leve en souriant)*

Je sais tout le respect qu'un doge a droit d'attendre

\* \* \* \*

Dernier des Faliero je suis sur de mes coups,  
Et respecte un beau nom qui mourrait avec vous.

\* \* \* \*

*Fer. Insulter une femme est tout votre courage.*

They appoint the Church of San Giovanni e San Paolo for the place of immediate meeting, and the act closes.

ACTE troisième—SCÈNE première. *La place de St. Jean et Paul. Pietro, Bertram, Strozzi, aiguisant un stylet sur les degrés du piédestal.*

*Pi. Bertram, tu parles trop.*

*Ber* Quand mon zèle m'entraîne

Je ne consulte pas votre prudence humaine.

*Pi. J'ai droit d'en murmurer, puisqu'un de tes aveux  
Peut m'envoyer au ciel plus tôt que je ne veux.*

*Ber. Lioni.*

*Pi. Je le crains même lorsqu'il pardonne.*

*Ber. Pietro le gondolier ne se fie à personne.*

*Pie. Pietro le gondolier ne prend pour confidens,  
Quand il parle tout haut, que les flots et les vents.*

*Ber. Muet comme un des Dix, hormis les jours d'ivresse.*

*Pi. C'est vrai, pieux Bertram ; chacun a sa faiblesse ;  
Mais par le dieu vivant !*

*Ber. Tu profanes ce nom.*

*Pi. Je veux jusqu'au succès veiller sur ma raison.*

*Stroz. Foi de condottiere ! si tu tiens ta parole  
A toi le collier d'or du premier que j'immole.*

*Pi. Que fait Strozzi.*

*Str. J'apprête aux pieds d'un oppresseur  
Le stylet qui tûra son dernier successeur.*

*Pi. Le Doge !*

*Ber. Il insulta dans un jour de colère,  
Un pontife de Dieu, durant le saint mystère,  
Qu'il meure—*

\* \* \* \*

*Pietro. Fais trêve à tes leçons  
Leurs palais sont à nous, j'en veux un ; choisissons.*

*Ber.* Il en est qu'on épargne.

*Pi.* Aucun, Bertram, écoute,  
Si je te croyais faible——

*Ber.* On ne l'est pas sans doute,  
Et jugeant comme Dieu qui sauve l'innocent  
Pas un seul d'épargné !

*Str.* Pas un !

*Pi.* Guerre au puissant !

*Str.* A son or.

*Pi.* A ses vins de Grèce et d'Italie !

*Str.* Respect aux lois.

*Pi.* Respect au serment qui nous lie !  
Plus de praticiens ! qu'ils tombent sans retour ;  
Et que dans mon palais on me serve à mon tour.

*Ber.* Qui donc, Pietro ?

*St.* Le peuple ; il en faut un peut-être.

*Pi.* Je veux un peuple aussi ; mais je n'en veux pas être."

\* \* \* \* \*

The Doge is, shortly after this, brought upon the stage, and the contrast between his burning desire of vengeance, and the coarser and less concentrated passions of his coadjutors, is ably and powerfully depicted, in the following scene, which our limits, however, forbid us to extract. It is unnecessary to go at length into the remainder of this play, which, excepting those portions relating to the Duchess, necessarily resembles, in its general features, the English tragedy of the same name. Elena confesses her crime, for no apparently sufficient reason, to her husband ; he, subsequently mollified, perhaps, by the death of Fernando, whose duel with Steno ends fatally to himself, pardons her ; the plot is discovered by the agency of Bertram, and the drama closes like that which it closely resembles, by the annunciation of the Doge's execution.

This brief enumeration is all that we may allow ourselves of a production which deserves a far more elaborate investigation. How much more power, how much more even of the *vis comica*, is there in the above extracts, than in the dignified and harmonious monotony of the "*Comédiens*" or the "*Vêpres Siciliennes*." And, yet, there are very prominent defects in the conduct of this play, which require the compensation of not a little vigour and originality. All that relates to the love of Elena and Fernando is wholly out of place, and unnecessary. The historical interest, as Byron perceived, is amply sufficient, and this secondary plot is, in M. Delavigne's play, now wholly lost to sight, and anon lugged in by the head and shoulders, to the exclusion of the expected personages, until we are somewhat at a loss to know who is the hero, and what is to be the *dénouement*.

Yet with this, and several other blemishes, which it were invidious too minutely to notice, this play deserves all commendation ; and it is not unsafe to predict, that should this endeavour to dethrone the Juggernauts of the drama be successful, the *bel age* of the French theatre is yet to come ; and that if M. Delavigne will avoid subjects already appropriated—in treating which, to escape imitation, he is driven into eccentricities and unnatural combinations—he will secure even a higher reputation in the new school, than he has obtained in the old.

In July, 1824, Delavigne failed in an attempt to obtain a seat in the French academy, and this, which was not his first unsuccessful effort of the same kind, drew forth a consolatory "*Épître*," addressed to him "*sur les choix academiques*," from a person styling himself *Eugene de Monglave*. This individual thus describes the first appearance of our author above the literary horizon :

" C'est en vain que Fontane avec de longs efforts  
Alignait ses vers froids, sans verve et sans transports :  
Deille incessamment décrivait pour décrire  
Et le public lassé l'admirait sans le lire ;  
Parny ne chantait plus ; Ducis en cheveux blancs,  
Dans un cercle d'amis renfermait ses talens.  
Apollon gemissait ! Tu parus et la France,  
D'un Voltaire nouveau salua l'espérance."

" *L'esperance*" indeed ; which has not, as yet, been absolutely fulfilled. But though M. Delavigne be not a Voltaire, he is certainly equi-distant from a Monglave, and we quoted the above extract simply as a specimen of the fulsome eulogy, even at that day, heaped upon him. In February, 1825, our author was more successful, and, by a nearly unanimous vote, was chosen to replace the Count Ferrand in that peerage of intellect, of which, at the time, he was, we believe, the youngest member.

We have thus endeavoured to give our readers a just conception of the writings of M. Casimir Delavigne. His claims to consideration belong to two distinct departments of literature. We have passed, in review, his lyrical pieces, generally devoted to subjects of national interest, and his dramas. As a lyrist, he possesses decided merit, but as a national poet, we have already said, that we are not inclined to assign him any very high rank.

His influence would appear principally to lie with the literary circles, which, in no country, form the mass of its intellect, or its virtue ; and from which its future destinies can never be cal-

culated. With that class, politely termed the *lower class*, *peasantry*, *canaille*, *bas-peuple*, composed of individuals most difficult to be understood by those who are not of them, but most easily comprehending each other—bound together by common interests, and common feelings, and now, in our day and generation, aroused, for the first time, to a full sense of their uncontrolled and uncontrollable power—individuals quick to perceive, and eager to acknowledge any sympathy in their cause, but singularly unapt to take in the force of a classical allusion, or the appropriateness of a Latin quotation—with this class, for reasons already given, we can scarcely imagine M. Delavigne to have acquired an extensive, or predominant influence.

As a dramatist, although his first four productions will scarcely be singled out for immortality, from amongst that “rabble rout,” with which they may easily be confounded, and though his “*Marino Faliero*” may not find many admirers among the readers of Byron, we still think it indisputable, that he possesses great powers, and we have confident hopes that his lately chosen Pegasus will strike forth from the hard-trodden Parnæsus of French literature, a new Helicon—the gushing waters of which will delight us and our successors, as much as they amaze and perplex the devotees of the ancient drama.

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ART. V.—1. *Remarks on Canal Navigation, &c.* By WILLIAM FAIRBAIRN, Engineer. London. 1831.

2. *A New Theory of the Resistance of Fluids, compared with the best experiments.* By Mr. THOMAS TREDGOLD, Civil Engineer, &c. Art. 41, *Philosophical Magazine*, and *Annals of Philosophy*, April. 1828.

3. *Mechanics' Magazine. N. A. Series.* 1830, 1831.

“THE important interests of society, affected by the Steam-Engine and by Rail-Roads,” have already induced us to devote a portion of our pages to these subjects. The experiments made with locomotive engines, on the Liverpool and Manchester railway, have turned the attention, not only of engineers, but of men of science—the neglect of which has been too long felt in prac-

tical mechanics, although intimately connected with it—to investigations and researches of this nature. The intense interest excited by the late experiments on canal navigation, from the novelty of their results—so unexpected by *practical men*, though in strict conformity with the long established elementary principles of science—induce us to devote a few more of our pages to these subjects.

The interesting experiments on railways would appear to have decided the question of the superiority of this mode of conveyance over every other, until the still more recent experiments on canal navigation, exhibited in Mr. Fairbairn's publication, have fairly, and it would appear, successfully contended for this superiority.

As these experiments involve questions of immense public utility, it will be still necessary—before any final decision or conclusion can be legitimately arrived at, with regard to their comparative practical merits—to exhibit their results in different points of view, and to consider a variety of collateral subjects so intimately connected with them, as entirely to change the results in proportion as they are involved in, or excluded from, the investigation.

In whatever light the practical engineer, or speculating monopolist may consider these results—and the views of the one generally extend no further than to the success of his engine or plan, and of the other, to the immediate profits resulting from the works in which his capital may be engaged—the man who cultivates science for its own sake, or the man of enlarged views, who regards improvements as connected with public utility, will estimate their value with far different motives. The love of country is a principle so strongly ingrafted in the soul of man, that the honest patriot is more anxious for its future prosperity, and the rank which it is to preserve among the nations of the earth, than for any immediate emolument or selfish consideration. On the other hand, the speculator, the contractor, or by what other name the infinity of modern undertakers or would-be-engineers, are called, have their own interest, and seldom any other in view. In our opinion, the practical investigations and researches of men of science, ought to be impartially directed to the real and permanent advantages likely to result, not only to a nation in general, but likewise to the respective individuals composing the mass of the population of that nation, who contribute to its general fund of prosperity. For they are all concerned in these great results, and they are particularly interested in the investigation of any and of every scheme, calculated to mon-



opolize any of the advantages resulting from great undertakings, or that would, in any degree, tend to defraud them of their just portions of these advantages.

In the application of scientific principles to researches of this nature, and the advantages to be ultimately derived from machines, whether propelled by animal, by steam, or by any other power ; whether on railway, ordinary roads, canals or other water courses ; the subject for investigation, as in all other departments of science, is the accurate determination of that relation which must always exist between an effect, and the cause producing it ; or in the present inquiry, the relation existing between the mass, of whatever nature it may be, transported over a certain distance in a given time, and the cause producing that effect. This relation being, however, variable almost without limit, it becomes important to inquire what that cause may be, among the variety that may present themselves, which will give the most general, useful and practical result.

The value of time, being an important item in this investigation, common sense will always prefer the most expeditious mode of conveyance, when this choice can be made. For to economize time is in reality the main object of all useful industry and invention ; and whatever machine or contrivance produces a certain effect in the shortest time, the expense and all other advantages being the same, must always be considered the most useful and important. If again we suppose the expense alone to vary, then that power, or mode of conveyance, which would produce the same effect in the same time, and at the least expense, would be the most advantageous ; or if the time and expense be the same, and the risk or danger from whatever cause, greater in one mode of conveyance than another, that which is attended with the least risk or danger, ought evidently to be preferred. These general and evident principles should never be lost sight of in the present inquiry. Various circumstances may, however, modify their results, and these circumstances, no less than the general principles themselves, should be minutely and accurately attended to.

The value of the articles, or goods transported, with the quickness of the demand for them, is another essential item in this investigation ; for in this respect, their value is nothing during the time of transportation. The more valuable, therefore, the articles, and the greater the demand for them, the more important it becomes to diminish the time.

The circumstances of the persons must also influence the mode of transportation. For admitting time equally at the disposal of

all, it does not become equally valuable for all. The man who travels for pleasure or amusement sets little value comparatively on time. It generally passes on without loss or profit to him; but to the man of business, who travels from the necessity of the case, and to whom time is precious, the increased rapidity of his journey is so much gained, and for which he can afford a proportional price. Whatever, in this point of view, applies to one man, must evidently apply to a whole community; so that the more active and industrious a nation is, the more time becomes precious. It may be also observed, that the more distant the individuals are, the more important becomes a speedy communication; for unless this speedy intercourse be established, the value of time may be such to the individuals, as to prohibit any intercourse whatever. Hence the more numerous and expeditious the means of transportation, the more certain are the facilities, and evident, the index of the prosperity of that country.

It is science alone, however, that can estimate with any degree of precision, the results of the combined actions of these various causes, and no safer or more certain mode can possibly be adopted than the one pursued by the great Newton, in his researches and discoveries of the laws of nature. He first carefully investigated different possible laws or elementary principles, on various hypotheses, and then adapted the proper law to the particular circumstances. It is evident that any wrong application of established laws or principles of science—such as drawing general conclusions from particular premises, or any conclusions which the premises do not warrant—must entirely defeat the object of the inquirer, and become a source more prolific in producing and propagating error, than absolute ignorance itself.

In making these estimates accurately, very little reliance can generally be placed on precedents; for, within the circle of our own limited observation, we could easily point out, in many of our internal improvements, were it not rather invidious, instances, where some hundred thousand dollars have been expended on works of comparatively little utility, and which are now suffered to go to destruction. Many of these works, even of real utility, might be often constructed, at much less expense, if judiciously managed. These defects being occasionally discovered, may be one of those causes producing the indifference which is evidently exhibited, at present, to undertakings of this nature, though of immense importance, probably as much so, as any thing connected with the prosperity of a country; *pro-*

*vided they do not interfere with other paramount state interests and rights.* Instances have even occurred where instead of advantages, very extensive and serious injury have resulted from those ill advised and ill concerted undertakings. In almost all these instances, a knowledge of the most elementary principles of science would have pointed out the absurdity of—and prevented many of the injuries consequent on these undertakings. The application of the simple relation between the strength and stress, or pressure, of the materials used; the laws of the vibration, in some instances, of those materials; the simple hydrostatic principle of the pressure of fluids being as their depth, or even of the well known fact of the deposition of substances by water when its velocity is diminished, would have often prevented a failure. Among innumerable examples, we shall select but the few following illustrations of the preceding observation. The giving way of the arched or vaulted floor, in the Representative hall of the capitol at Washington; the falling of the Potomac bridge near the falls above Georgetown, in the District of Columbia; the fall of almost all the iron bridges first erected in England, owing to the same cause, their vibration; the failure of the celebrated causeway to Mason's Island opposite the same Georgetown, erected at immense expense with a view of deepening the channel there. This last has converted a navigation, where a sufficient depth of water existed to admit a seventy-four above Georgetown, to one with scarcely a depth of water sufficient to admit an oyster boat.\* The history and developement of even these few instances of failure would encroach too much on the limits of this article. We may say with the poet, "*Longa est injuria, longæ ambages,*" but the reviewer who should say "*summa sequar fastigia rerum,*" would find it rather difficult with the aid even of Dedalus and his thread, to pursue the mazes of this labyrinth, particularly in our extensive public works.

It is with some reluctance that we add one more example to those already pointed out. We allude to the immense dam over the Broad-river, at Columbia, South-Carolina, constructed principally with such perishable materials as pine-logs. Though far from being permanent, it has completely ob-

\* The failure in this instance was evidently owing to the deposition of sediment below the Island, where the channel, stopped by the causeway, meeting the other, continued its velocity and prevented this deposition. This principle is exemplified every day in the numerous sand bars and islands, formed in our rivers, particularly at their mouth; having lost, in their discharge into the ocean, the velocity retained while confined in their respective channels, or being counteracted by tides. Where this is not the case, the islands or sand bars are not formed.

structed the navigation of the river, and nearly destroyed its valuable shad-fishery, by impeding the further progress of the fish. As the canal, however, to which this serves as a feeder, is of immense importance to the trade of Columbia, and, as we are informed, the only one among our public works, which pays for itself, this dam should be very soon repaired, else even this work will become useless. There is near Bull-sluiice, in the Broad-river, a useless lock, with a temporary dam, which it appears has already cost the State upwards of \$30,000. Probably for a sum less than this, the water could have been conducted in the first instance, from Bull-sluiice to the Columbia Canal, affording, at all times, a sufficient supply of water, and enabling it to pay more than double what it pays at present. A company, we understand, would immediately undertake this work at their private expense, if the privilege were granted to them. At all events, if the trade of Columbia be worth preserving, something must be done and that soon. We see other towns and states making immense exertions, and we shall see them succeed in proportion as their exertions are persevered in, and judiciously conducted. We hope this will be the case with our Rail-road from Charleston, and its branches, for they will not only promote the interests of their stockholders, but the State will thus lay a strong foundation for preserving its rights, as well as its sovereignty. When a country makes use of all its resources untrammelled, then its prosperity will advance in proportion.

A late writer, we believe Sir H. Davy, remarks, (we quote, however, the substance of his remarks from memory) that it is in science as in war, every principle which is established is a victory which is gained, and which enables us to push our conquests still further, and to enlarge more and more the empire of reason and our dominion over nature. Still the parsimonious will calculate the dollars and cents that are expended in its advancement, but scarcely ever consider the benefits they receive from its cultivation, and the important truths which it unfolds. They collect its fruits as they too often do those presented by the munificence of a supreme being, while scarcely bestowing a thought on the source whence they are derived.

There is not a single principle or truth pointed out in science, or a fact that is well established in these investigations, that when made known does not become a legacy to posterity. "For science, (says Sir H. Davy) like that nature to which it belongs, is neither limited to time nor space, it is of no country, it belongs to the world."

“Who (says Dr. Johnson in the Rambler,) when he saw the sand or ashes, by a casual intenseness of heat, melted into a metalline form, rugged with excrescences and clouded with impurities, would have imagined that in this shapeless lump lay concealed so many conveniencies of life, as would, in time, constitute a great part of the happiness of the world? Yet by some such fortuitous liquefaction, was mankind taught to procure a body, at once in a high degree solid and transparent, which might admit the light of the sun, and exclude the violence of the wind, which might extend the sight of the philosopher to new ranges of existence, and charm him at one time with the unbounded extent of the material creation, and at another with the endless subordination of animal life; and what is yet of more importance, might supply the decays of nature, and succour old age with subsidiary sight. Thus was the first artificer in glass employed, though without his own knowledge or expectation. He was facilitating or prolonging the enjoyment of light, enlarging the avenues of science, and conferring the highest and most lasting pleasures; he was enabling the student to contemplate nature, and beauty to behold herself.’

We could not resist the temptation of inserting this beautiful description of the effects of the discovery of glass, although aware that nature, independent of art, had prepared a material in the rock or quartz crystal, far superior to glass, in supplying the wants of old age, or in assisting the student, or even beauty herself.

But of what importance could any of these materials be, whether produced by accident, by art, or by nature, were not the light of science to point out their utility, and extend their application. Without the science and skill of the optician, of what use could the Doctor’s rugged, shapeless, transparent lump of glass become, or even the beautiful crystal. It is, then, no less important that discoveries should be made, than that, when they are made, they should become known and appreciated, and their utility pointed out and elucidated by science.

It is unfortunately, however, the fate of the sciences that they are studied comparatively by very few; generally speaking, we find that those who need them most are the most ignorant of them. The mechanic, the artist, the engineer, undertake the most expensive and important works, with scarcely the rudiments of those branches of knowledge, which alone can render them skilful, and ensure success. The navigator often commits himself, with his frail vessel, to the ocean, when even the all-important knowledge of determining his latitude or longitude,

is a perfect mystery to him. The surveyor, or the topographical engineer, will sometimes undertake to lay off townships, to determine their positions, to establish even the boundaries of States, with a portion of science that scarcely extends to the determination of the variation of his compass-needle, generally his principal guide. While men engaged in such important functions remain ignorant, not only of the elements of astronomy, but even of common geometry—excepting the few practical rules, which constitute their principal stock of knowledge—they still think themselves prepared for the most arduous undertakings in their respective departments. They not only profess to act independently of theory or scientific principles, but affect to consider them as perfectly useless. While this state of things continues, the public must, necessarily, in most instances, be the sufferers; and although they continually become, in this manner, the dupes of ignorant pretenders, they are too generally the advocates of a system, in which more time is often consumed in acquiring a little *practical knowledge*, than in completing a regular course of education.

Were it not for the requisitions of some of our colleges, such an absurd system would soon extend its influence to every department of human knowledge; our colleges, and respectable seminaries of learning would soon disappear, and we should see spring up, among us, institutions such as those which the acute and enlightened Mr. Flint describes, in his “Valley of the Mississippi.”

It has been observed by Condorcet, that “until the present moment the sciences have been the patrimony of a few; but they are already become common, and the moment approaches in which their elements, their principles, and their most simple practice, will become really popular. Then it will be seen how truly universal their utility will be, in their application to the arts, and their influence on the general rectitude of the mind.”

J. F. Herschel, Esq. son of the celebrated astronomer, and one of the first mathematicians and philosophers of the age, observes, in his “Preliminary Discourse on the Study of Natural Philosophy,” (London, 1830, 8vo.) that “knowledge can neither be adequately cultivated nor adequately enjoyed by a few; and although the conditions of our existence on earth may be such as to preclude an abundant supply for the physical necessities of all who may be born, there is no such law of nature in force against that of our intellectual and moral wants.

' Knowledge is not like food, destroyed by use, but rather augmented and perfected. Those who admire knowledge for its own sake, ought to wish to see its elements made accessible to all, were it only that they may be the more thoroughly examined into, and more effectually developed in their consequences, and receive that ductility and plastic quality which the pressure of minds of all descriptions, constantly moulding them to their purposes, can alone bestow." This doctrine is very different from that of the ancient philosophers, who esteemed it an essential part of learning to conceal their knowledge from the uninitiated, considering that its dignity was lessened by its being shared with common minds. The nakedness and barrenness of the philosophy of those times would shun the light; while the richness and exuberance of the philosophy of the present day delights in the public gaze, and in public investigation, conscious of its worth.

The Polytechnic school, in France, has, in some measure, verified the conjectures of Condorcet. The "Geometrie descriptive" of Monge, and the beautiful analysis of the construction of machines, reducing them to their elementary principles, as given by Lenz and Betancourt, and extended by Hachette, have assisted, perhaps, more than the elaborate investigations of Lagrange or Laplace, not in extending the boundaries of science, but in expanding the ideas, and contributing to the inventions of practical men.\* We are fully aware of the immense power and advantages of the calculus. We know that, as a language, it is infinitely more comprehensive than any which could be substituted in its place; and that, as an instrument of research, in the hands of those who can skilfully wield its powers, it far surpasses any thing yet discovered. But for the practical man, or mechanic, it is an instrument generally beyond his reach, and hence the simpler elementary truths of science, exemplified by models, or the simple elements of geometry, are to him far more valuable and instructive; for we are equally well aware that the sublime discoveries of an Archimedes, a Newton, or a Laplace, would, in reality, be of little use, or of little real advantage to mankind in general, if those

\* The utility of elementary models connected with a course of Mechanical Philosophy, is now universally acknowledged; and what is often expended on some costly instruments, (we do not mean those which are practically useful, but those which are, after all, little better than toys,) would procure an ingenious mechanic to construct these useful models, which, with the assistance of any skilful Professor to direct him, he might easily accomplish. Emerson, in his "Mechanics" 4to, Buchanan, in his works, and, perhaps White also, in his "Century of Inventions," and other such works, would afford considerable assistance in this respect.

who could reduce them to practice, remained ignorant of them. Newton, the father of mechanical philosophy, was so sensible of this, that he became, himself, a practical mechanic, and constructed two reflecting telescopes of his own invention, the first ever constructed ; one of which, together with a reflecting quadrant or octant, he presented to the Royal Society. At that time, he could not find a mechanic in England sufficiently skilful to undertake the construction of these instruments ; and, at present, it requires the talents of a Dolland, a Troughton, a Riechenback, a Frauenhofer, and others, to keep pace with the march of science, in this department alone. The mechanical institutions now forming, under the direction of scientific and experienced men, in almost every civilized country, with a variety of scientific periodicals, will, no doubt, contribute to remove the evils we have been pointing out, and to diminish the chances of pretenders and charlatans to success. Were practical men to unite a knowledge of at least a sufficient portion of science, with their experience and skill, the effect would soon be apparent, not only in their writings, but in all their operations.

The following eloquent observations, made by the Board of Visitors, in 1827, relative to the studies pursued at West Point, shew clearly their sense of the necessity of that knowledge for which we have been contending. On the department of engineering, this board remarks, that " engineering, in its two departments, particularly in its civil features, is of importance to every country, and to none more than to our own. The importance of scientific education to the engineer is evident, for to material substances his thoughts and meditations must be directed. Hence, it is of importance to become familiar with the laws prescribed by nature for their action. He must grapple with his agents, and foresee their effects, calculate their energies, and become, as it were, the dictator of their actions. Nature must be forced into a bond of alliance with his views. He must interrogate her, study the laws by which she governs, enter into the recesses of her hidden processes, arrest her in the act of operation, and enter into his own labours with possession of her secrets."

" If (says the distinguished Herschel, before quoted) the laws of nature, on the one hand, are invincible opponents, on the other, they are irresistible auxiliaries, and it will not be amiss if we regard them in each of these characters, and consider the great importance of a knowledge of them to mankind. 1st. In shewing us how to avoid attempting impossibilities. 2d. In securing us from important mistakes, in attempt-



‘ing what is, in itself, possible, by means either inadequate, or  
 ‘actually opposed to the end in view. 3d. In enabling us to  
 ‘accomplish our ends in the easiest, shortest, most economical,  
 ‘and most effectual manner. And, 4th. In inducing us to at-  
 ‘tempt, and enabling us to accomplish objects, which, but for  
 ‘such knowledge, we should never have thought of undertak-  
 ‘ing.”

The engineer, then, who would neglect an acquaintance with the great laws of nature, is not the most likely to succeed in operations, subject every moment to their influence. We would not, however, be understood as valuing science on account merely of its *utility* in the affairs of life ; for this, we consider a secondary object. We deem its most important and primary object, that of calling forth the energies and exercising the different powers of our intellectual faculties, and the pleasure which it affords, in the successful developement of those admirable contrivances, which Infinite Wisdom has exhibited in all his works. Could Virgil have formed an idea of what our modern Newtons have accomplished, when he composed these beautiful lines :

“ Me vero primum dulces ante omnia Musæ,  
 Quam sacra fero ingenti percussus amore,  
 Adcipiant ; cœlique viras, et sidera monstrent.”

he would have had much more reason to exclaim :

“ Felix, qui potuit rerum cognoscere causas.”

As to the secondary objects to which science may be applied, they are valued by different persons, according to their peculiar conceptions of their *utility*. Those who consider wealth alone as constituting happiness, will value science only in proportion as it contributes to the obtaining of this treasure. Others value it in proportion as it contributes to the perfection of machinery or the abridgement of labour, to social improvement, and to the supply of those real or artificial wants, which are constantly increasing in civilized society. The attainment of these various ends, however useful, would still be but a secondary or subordinate object of science, and very different from that which those philosophers had in view, who have so successfully cultivated science for the pleasure alone which it affords. It is, however, to such men that society is principally indebted for most of those valuable discoveries and improvements, of which they are now in possession.

Some who may still be of opinion that *utility* should be the main object in cultivating science, will readily acknowledge, in this point of view, the importance of many of its branches, but cannot perceive the *utility* of others; yet, when the subject is well considered, it will evidently appear, that a single branch of science could not be dispensed with, without manifest injury to the rest. The various systems of the universe are not more closely linked together by the laws of gravitation, than the different branches of science, by their mutual dependence. So that what Pope asserts of the system of nature in these remarkable lines,

“From nature’s chain whatever link you strike,  
Tenth or ten thousand breaks the chain alike,”

may be asserted, with perhaps more truth, of the system of science. The chemist dipping his thermometer into warm water, or the astronomer gazing at the stars, might afford subject of mirth or ridicule for such objectors. But what would be the state of the arts were it not for the discoveries of the chemist, or what would have been the situation of Columbus in the midst of the ocean—his only guide, the compass, about to fail him—had he not paid more than ordinary attention to this branch of knowledge, by means of which he rendered this varying instrument still useful in his perilous situation. Would he otherwise have succeeded in adding a new world to the old? While new regions are thus explored on the earth, aided by the science of the astronomer, he is, in the mean time, discovering new worlds in the heavens, developing their laws, and either contemplating, or exhibiting to view, the immensity of creation. Will it, then, be asked *cui bono*? If so, let the navigator, the surveyor, the engineer answer. They will tell us, that there is not a star, whose place the astronomer has accurately determined, but serves them as stations or points of reference; that they are most faithful guides that will never lead them astray, in any of their researches; and that without their aid, in a variety of instances, they could not advance a step in their respective pursuits.

It is, then, in uniting the labours of the man of science with those of the practical man, that discoveries are perfected, and useful theories formed. For, in physics or mechanical philosophy, (and, we might add, in almost every department of human knowledge,) whatever is not established in this cautious and accurate manner, should have no claim to the name of theory, or science. For *theory*, which is so often mistaken for mere *opinion* or *conjecture*, is either a law, or a regular system of laws, or of

elementary principles, which are deduced from the most accurate experiments and observations, and established either immediately from those observations, or by the most rigorous mathematical investigation ; and serve to explain the facts themselves, or the appearances observed. Such, for example, is Newton's theory of gravitation.\* *Practice* is nothing but the application of some one or another of these discoveries to some useful purpose, the skilful application and management of which, then, becomes an art. Various opinions or hypotheses may pass for theory ; such as the vortices of Descartes, or the supposition of Symmes, relative to the imaginary opening near the North-pole of our earth. Such conjectures or rhapsodies may, however, be always distinguished from theory, or true science, from their not being deduced from facts or accurate experiments. They can have, therefore, no more foundation in nature than the fanciful creation of the poet, when indulging his most wild, or sublime flights and excursions ; for it is not every one who bestrides his nag to Parnassus, who is a poet, nor is it every one who hails under the flag of Newton, who is a philosopher.

We now and then find, however, that practical men, who appear entirely ignorant of the theory of their art—from the nature of their avocations, which must, necessarily, afford them many opportunities for observation—occasionally make some discoveries which, to them, seem new. It happens, that even facts resulting from some of their experiments, are considered by them as entirely contrary to theory. This seems to us to be, in a great degree, one of the prominent features of this otherwise important work of Mr. Fairbairn, and it is this circumstance alone, so strongly characteristic of the works of mere practical men, however useful in other respects, that has induced us to extend our general observations much further than we at first intended, or, perhaps, the subject required.

In works where to eminent practical skill, a considerable portion of theory is united, the contrast is strikingly obvious. We could instance in illustration of this remark, among others, the works of Mr. Thomas Tredgold, and among them, his "*Practical Treatise on Rail-roads and Carriages ;*" unques-

\* We might instance a variety of theories ; such as the theory of the telescope or microscope, of the phenomenon of the rainbow, of music, of locomotive or stationary engines ; the atomic theory, the theory of the operation of emetics or cathartics in medicine, or that of the malaria, &c. The former of these enumerated theories are founded on rigorous mathematical investigations, the latter depend, for the most part, on observation alone, or opinion. In short, there is no effect in nature, without a cause ; now it is theory that must assign that cause, and consists in assigning it by means which are convincing and satisfactory.

tionably the best hitherto published on the subject. Most of the late publications, which have come under our notice, are generally mere *reports*, with scarcely a ray of science to pervade the gloom that so generally envelopes these subjects.

The celebrated Prony, no less skillful as a practical engineer, than profound in every department of science, has, however, done much to dispel this obscurity, particularly in his "*Nouvelle Architecture hydraulique*," a work, which—though of a far superior grade in point of science, and especially mathematical, to Tredgold's—it may be doubted, whether it would benefit the *practical man* as much as that of Tredgold's. For works of this nature, unless adapted to the present state of knowledge among practical men, can profit them but very little. We have known some whose reputation stood high as engineers, architects, &c. and who have been engaged in controversy in extensive newspapers, and other publications, on the most difficult subjects connected with these departments, who were obliged to have resource to those who could translate for them, the simple formulas of Tredgold from the algebraical into their vernacular language. Now of what use could Prony's works be to *such engineers*, when no sooner does he get hold of an elementary or physical principle, than he immediately wraps it up into so many folds and labyrinths of the modern calculus, that scarcely a trace of it remains. We should have the same objection to the able "*Memoires*" of M. P. S. Girard, lately published among the "*Memoires*" of the French Institute, on Canal Navigation; for the simple principles there developed do not require a formal display of analysis, and will be sure to deter the practical man from availing himself of them. M. Girard is, however, comparatively moderate in this regard. In such works as the "*Mecanique celeste*," or the "*Mecanique analytique*," where the great leading principles of mechanical science, are not only systematically established in detail, but also generalized and extended, the application of all the powers of the analytic art becomes necessary, and it is to such works that the man of science must have recourse; but we apprehend that, in practical works, this unnecessary display of science should be as much as possible dispensed with, particularly when the simple elementary principles themselves are, in general, more efficient, and much more satisfactory.

In the few observations we have yet to offer, we shall not occupy the time of the reader in discussing the history of either railways, canals, or locomotives, as there is scarcely an essay on these subjects, but professes to give their history, although much might be exhibited as yet on the subject, and much fairly

contested. The extent of the real claim of most inventors, is not so easily ascertained as most writers suppose. Not wishing to enter into this discussion on the present occasion, we shall now confine our observations principally to Mr. Fairbairn's work. He thus introduces his remarks:—

“ Since the first formation of canals in this country, there has been very few attempts made, to improve the construction of vessels, adapted to an inland navigation. The passage boats of the present day are nearly the same as they were fifty years ago; and little, or rather no improvement has taken place in the heavier description of vessels for the conveyance of goods. Probably this might have gone on in the same state of *supposed perfection*, had not the introduction of Railways, which are now in progress, occasioned such a sensation in the country.

“ From the first commencement of canal navigation up to the present time, the average speed of conveyance has never exceeded four miles and a half per hour on passage boats, and two miles and a half on heavy flats. This seems to have been the maximum velocity, and it was taken as an established rule, that boats could not be conveyed along canals at a greater rate, without incurring loss, and a considerable increase in the cost of transit.

“ My particular attention was, in the month of January last, drawn to the very obvious defects in canal navigation, by Mr. Thomas Graham of Glasgow, who had, for some years before, been giving a great deal of attention to the improvements on canal navigation, by the introduction of steam as a moving power.

“ At that period Mr. Graham had so far succeeded in drawing the attention of the managers of the Forth and Clyde Canal, and of the Union canal, to the superior advantage of steam power, that the committee of each of these companies had contracted for the construction of a steam boat to ply on their respective canals, in that branch of business which appeared most favourable for the introduction of steam power in each. The boat contracted for by the Forth and Clyde Canal, was on the American plan, *with the paddle behind*, Mr. Graham having procured a plan from New-Orleans of a boat of that description plying on the river Mississippi.” pp. 5-7.

After mentioning various discussions which he had with Mr. Graham and others, Mr. Fairbairn at length forms a decided opinion that not only a regular, but a very speedy communication might be obtained by means of steam-power, provided the vessels could be built sufficiently light and *spoon-shaped*, like those boats which Mr. Graham informed him were used on the passage between New-York and Albany, and, it was asserted, could maintain a speed of nearly *fifteen miles* an hour.

“ Mr. Graham requested me, (continues Mr. Fairbairn) to give the subject my best consideration, in order to see how far such a light des-

cription of boat, having a small draft of water, would be applicable to quick speed, and whether steam could not be used as a propelling power on canals.

"The fulfilment of Mr. Graham's instructions was surrounded with difficulties of no ordinary character; such as the resistance of fluids to moving bodies, the agitation of the surface and the consequent danger to the banks of the canal, arising from the surge or wane occasioned by vessels propelled at a quick rate. These and many other obstacles presented themselves. Not the least, however, was the power requisite to raise and maintain an accelerated velocity in bodies, opposed by such a powerful resistance.

"The source to which I looked for improvement was steam; a judicious employment of which might remove the difficulties, and furnish power sufficient to overcome all obstructions. Steam engines of the usual construction from their great weight, seemed but indifferently calculated for propelling boats on canals, as the draft of water would be increased, and greater risk of injury to the banks would be the consequence. Engines on the locomotive principle, from their portability and lightness appeared best fitted for the purpose.

"This being a settled point, the next consideration was, how to employ the engines to advantage, how to give perfect security, and at the same time, how to produce at least a double velocity, without incurring the injurious tendencies already detailed. This was certainly a desideratum more to be wished for than expected. We all know that force must be applied to a body to move it through a fluid; that such surface meets with opposition from the resisting fluid; and that resistance is stated to increase with the squares of the velocity. These points being taken for granted, it will be seen that there was much to contend with in surmounting such formidable obstacles. Taking as a datum what has been already stated, that the resistance of fluids to passing bodies is as the squares of the velocities, I had then to calculate what power would be requisite, to give the increased speed to boats of different tonnage, and to produce a force equal to the resistance, as laid down by scientific men, who have treated on this subject." pp. 9-11.

In the mean time Mr. William Houston, of Johnstone, and before Mr. Fairbairn had commenced his operations, made a very interesting experiment on the Ardrrossan Canal,\* the results of which he communicated to Mr. Fairbairn.

"The experiment made by Mr. Houston consisted in the introduction into the canal of a common gig-boat, in which ten or twelve passengers were seated; after which the boat was drawn through the canal by a single track horse, at the rate of twelve miles an hour, without either wave or surge.

\* It is remarked at p. 23 of this work that "it may be proper to mention that the Ardrrossan Canal is throughout very narrow; at the bridges, and many other places it is only nine feet broad. It has a great number of turns and many of them very sudden."

“In pursuance of this experiment, Mr. Graham on his return to Glasgow, proposed to have it renewed on the Forth and Clyde Canal; but on examining the gig-boat, with which the experiment was made, he found it was so light and unsteady, as to give an idea of want of safety to passengers; and he was afraid that if a larger and stronger boat were built it might have the same faults, and at all events it would be so crank as to be unfitted for the application of steam power. To avoid these difficulties, and to obtain steadiness and security on the water, the idea of a twin-boat, of the description of the single boat suggested itself to Mr. Graham, and to prove the suggestion, an experiment was made of which the following account appeared in the various newspapers of the day.” p. 12.

Thus far we have been particular in retaining the precise words of Mr. Fairbairn, who, *surrounded* as he was with *difficulties of no ordinary character*—for he had to contend against *theory, the squares of the velocities, &c.*—appears to have originated nothing of any consequence; and, as if his mind had been entirely preoccupied with that portion of theory, where the squares of the velocities are introduced, he appears to have overlooked every other, that might have had a bearing on his inquiries; as, for example, the depth at which the vessels were immersed at the different velocities; the height of the surge above the level of the canal; the inclinations of the planes, or the portions of his vessels exposed to the action of the water, the sines of which, or their squares or cubes, according to circumstances, are important functions in these inquiries. We shall presently see that it was on the developement of these principles as established by theory, that the success of the experiments principally depended, and had the operation of these laws been understood or adverted to, it would have been soon discovered how easily they could reconcile the experiments with all the apparent contradictions of, or deviations from theory. It will, in fact, be found that theory in general is far in advance—in many instances, a century or more—of experiment, and if consulted, or understood, many an expensive lesson in the school of experience, however useful when guided by science, might be dispensed with.

The following experiments were made at the suggestion of one of the committee of management of the Ardrossan Canal, and as they shew the very high rate of speed that may be obtained at a trifling expense, and without injury to the banks by any agitation of the water, we deem them too interesting to be omitted here.

“A gig, such as is used in rowing-matches was hired, and being launched on that canal, it was found that she could be drawn along

the canal at the rate of twelve miles per hour. On this occasion eight persons and the steersman were in the gig; when a distance of two miles was accomplished with one horse in ten minutes, without any surge or agitation of the water, so as to injure the banks." p. 13.

Similar experiments were tried with twin-boats with rather better success; the only difficulty being the necessity of keeping the horse or horses in full gallop. With steam-power this difficulty would vanish. The surge was always found to diminish as the velocity increased. This was the opinion of Mr. Hunter, the proprietor of the boats, before the experiment was tried, which was a shrewd conjecture, for it appears that they had formed no idea of the principles on which these results were founded, for it is remarked:

"But whether the decrease of wave arose from the steersman of the boat, having become better acquainted with their trim in the canal, or from whatever other cause it arose, their effect was evident to every one on board."—"No danger is to be apprehended from the stoppage of the double or single boats, however suddenly, as they brought themselves up almost instantaneously." p. 15.

In some of these trials the speed amounted to fifteen miles an hour for some miles, and seemed only limited by the power of the horses. It is further remarked:

"Three different results from the above experiments are worthy of attention; first, the ease with which the boats were brought up or stopped, when moving at a high rate of velocity: second, the little additional labour in drawing, occasioned to the horse when drawing the boat at this high rate, as compared with a low rate of velocity; and third, the apparent\* diminution of the surge or agitation in the water at a high rate of velocity. The best explanation of these matters (continues Mr. Graham the reporter of these experiments) is by the supposition, that at a high rate of velocity the flat boat rises towards the surface, and skims over instead of cutting the water. The moment the towing line is slackened off, the boat sinks to the usual depth, and of course brings herself up immediately, owing to the increased resistance of the additional column of water, which she must cut. On the other hand when moving at a high rate, and skimming near the surface of the water, the labour of the horse is diminished in proportion to the diminution of the column of water displaced, and the wave or surge is diminished in a like ratio." p. 17

These conjectures of Mr. Graham, however vague in themselves, are still ingenious, but they are no more than what the

\* Mr. Graham means no doubt here the real diminution of the agitation of the water.



experiment suggests. The real cause, and the real ratio or proportion in either of these cases, is not even hinted at; and Mr. Fairbairn, at the conclusion of this report, remarks:

“The diminution of wave or surge, consequent on very rapid motion through the canal, stated to have been observed by Mr. Graham, the writer of the above account, *appeared very anomalous and contrary to all previous theory*; and was, by many persons present at the experiment, considered as ideal.” p. 18.

It is thus, that all previous theory is judged of by men who, in all probability, never studied a particle of it.

For the remaining experiments made on the Ardrossan and Paisly canal, as well as on the Forth and Clyde canal,\* which are given much in detail, we must refer to the work itself. We shall, however, select one or two more from some few peculiar circumstances connected with them.

“In the month of April last, a number of experiments were made on the Forth and Clyde canal, with two gig-boats fixed together, constructed by Mr. Hunter, and thus forming what is called twin-boats. The object of these trials was to ascertain the rate of speed, at which vessels might be propelled along the canal; and the effect of a light double or twin-boat, in giving that degree of steadiness, which it was apprehended would be so much wanting in a light single boat. The only fact which it seems necessary to repeat here, is the remarkable circumstance, that the quicker the boats were propelled through the water, the less appearance there was of surge or wave on the sides of the canal. This result, so contrary to every previous theory, was doubted by several of the parties present at these experiments. The surge was, at no time, and in no instance, to any extent; and the apparent diminution of it at a high rate of velocity was supposed to be imaginary.” p. 19.

It is again remarked, that—

“The quicker the boat went, the more entire was the disappearance of all wave and surge, except where the water escaped in the centre of the canal, and met in two very noisy and rapid currents from each side of the boat at the rudder. This noise and rush of water was so great behind as to induce persons on board to look round, expecting to see a great wave or surge on the bank of the canal, but on the banks there was hardly a ripple. The two rapid noisy currents seemed to be completely spent and exhausted by the shock of their concourse behind the boat. Here, therefore, there was no reason to doubt of the correctness

\* The Ardrossan canal is a very small barge-canal, as before observed, fitted for boats of twenty-five or thirty tons burthen, while the Forth and Clyde canal is ten feet deep and of a proportional breadth. Thirty tons may average about two hundred bales of cotton.

of the reports of the Forth and Clyde canal experiments. It was not merely to be said, that the greater the speed the less the surge or wave, but was demonstrated that at a high rate of speed, surge and wave were done away with altogether." p. 22.

Another experiment, made with the *Swift*, a boat sixty feet long and eight feet six inches broad, twin-built, and fitted to carry from fifty to sixty passengers, is described as follows :

"On Wednesday, the 7th of July, she started from port Dundee, at sixteen minutes past nine in the morning, having on board thirty-three passengers, (all men,) with their baggage. Proceeding through the Forth and Clyde canal, and Union canal, she reached Edinburgh at twenty-nine minutes past four in the afternoon. She thus made a voyage of fifty-six and a half miles in the space of seven hours and fourteen minutes. In the course of this voyage, she passed through fifteen locks, eighteen draw-bridges, a tunnel, seven hundred and fifty yards long, and over three long, narrow aqueduct-bridges, and under sixty common bridges, which carry roads over the Union canal. Her average rate of speed, during the voyage, was nearly eight miles per hour, including every stoppage."

"On the following day, viz: Thursday, the 8th of July, the *Swift* started from Edinburgh twenty-two minutes past nine in the morning: and returning by the same route, with thirty-three passengers (all men) and luggage, she reached Glasgow precisely at four o'clock in the afternoon, that is in six hours and thirty-eight minutes; going thus at the rate of nearly nine miles per hour."

"On both days the weather was most unfavourable from much rain and a strong gale of wind directly in her face—the wind having been from the east on Wednesday, and from the west on Thursday. When free from the locks, tunnel, and other impediments, the speed at which she proceeded, varied from six to twelve miles an hour; and the extraordinary results of the previous experiments, made on the Paisly canal, and Forth and Clyde canal, were again completely verified, and ascertained, during her progress through one hundred and thirteen miles of canal navigation. For it appeared that when she moved through the water, at the rate of six or seven miles per hour, there was a great swell or wave constantly in her front, and she was followed by a strong surge or wave, bearing against the bank of the canal. At these times, the hauling-rope was tight and the horses appeared to be distressed; but as the speed was increased, the wave or swelling of water in her front sunk down, and when the speed came to be about nine miles per hour, the swell entirely disappeared; the waters in her front became smooth and level; the hauling-rope slackened; and the horses seemed easy, and little or no surge was to be seen on the banks behind the vessel." pp. 25, 26.

A variety of other experiments in propelling the twin-boat forward at various rates of speed, and with various weights, are detailed and described in an appendix to this work, with a plan and description of the twin-boat, and also plans and descrip-

tions of other classes of steam-boats intended for the navigation of canals and the adjoining branches of the sea.

"The result of these experiments shewed, (says Mr. Fairbairn,) that the resistance to a body drawn along a line of water confined within the banks of a canal did not appear to increase in the ratio laid down in theory, and that while at a low rate of velocity, viz : at and under six miles an hour the resistance to the progress of the boat on a broad line of water, was considerably less than on a narrow line; on the contrary, at a high rate of velocity, say about ten miles an hour, the forces necessary to the propulsion of the boat on a broad and narrow line of water, appeared to be the same, if the advantage was not rather in favour of the narrow line." p. 29.

Among the experiments alluded to, Mr. Fairbairn selects those made with the twin-boat, on the Monkland canal, 12th July, 1830, (p. 61.) They are selected evidently with a view of falsifying or subverting the *old*, and establishing his *new theory*. As they exhibit distinctly his mode of calculation, we have thought proper to insert them here. We must, however, remark that his antipathy to the old theory, or his partiality for his new, does not at all diminish the importance of the results of the experiments. In this point of view, practical men will be always useful to scientific improvements. Could they, however, unite a little *real theory* with their experiments, they might be much more useful, from their being more skilfully conducted.

No. of experiments.	Time in performing one mile.	Miles per hour.	Force of traction.	Horses power.	Remarks.
1 and 2	12' 24"	4 83	82 0	1 000	No swell.
3 and 4	9 38	6 23	205 3	3 410	Swell a little diminished.
5 and 6	8 16	7 28	378 5	7 342	A swell in front & astern.
7 and 8	5 10	11 63	433 4	13 490	} No surge.
9	4 48	12 50	439 3	14 643	
10	4 36	13 04	390 0	13 936	

"From the averages arranged in the above, it will be observed (says Mr. F.) that the rates of velocity are to the forces as 4.8—6.2—7.2—11.6 &c. to 82—205—378—433, &c. Which are less than the *squares of the velocity*, at the rate of  $11\frac{1}{2}$  and  $12\frac{1}{2}$  miles per hour, at which time the surge is overcome, and when the boat is moved forward, unaccompanied by the heavy swell that is invariably present at a speed varying from 5 to  $8\frac{1}{2}$  miles per hour; but this will be more clearly observed by the ratios of the squares of the velocities to the forces, as under," (or annexed.)

Miles.	Sqrs. of vels."	Forces.	Ratio of sqrs. of vels. to forces.
(4.8) <sup>2</sup>	= 23	— 82	— 1 : 3.5
(6.2) <sup>2</sup>	= 38	— 205	— 1 : 5.4
(7.2) <sup>2</sup>	= 53	— 378	— 1 : 7.1
(11.6) <sup>2</sup>	= 134	— 433	— 1 : 3.2
(12.5) <sup>2</sup>	= 156	— 439	— 1 : 2.8

"If the ratios of the forces had been as the squares of the velocities, the numbers 3.5—5.4—7.1—3.2—2.8, should have been equal to each other; whereas, only the 4.8 and the 11.6 miles forces approach to that ratio; the intermediate speeds having forces above, and in an increasing ratio; and of those of 12.5 miles in a decreasing ratio.

"It appears that the force required to draw a boat of this form, 11½ to 12½ miles per hour, is not much increased from that of 7½ miles; the increase being little more than 1-7th or 35 to 61 lbs. above 378; but horses are unfit for this purpose, as their strength decreases in a much greater proportion, than their speed increases; and, with these quick velocities, great exhaustion is produced, and a considerable portion of their muscular strength is expended in carrying themselves forward only."

Here Mr. Fairbairn gives the usual formula for horse power *from theory*,\* from which he arrives at the above conclusions, but remarks, that "if any reliance can be placed in the theorem, it shews clearly the unfitness of horses for great speed."

From the success of these experiments, it appears that Mr. F. was employed with Mr. Hunter, by the Forth and Clyde Canal Company to construct a light, twin, iron,† steam, passage-boat, to ply between Glasgow and Edinburgh, they having found, from experiment, no doubt, as well as from the theorem, that horses would not answer, when great speed is required. Here another field for research is presented to Mr. F. for he says—

"The business I had now in hand was to ascertain how, and at what cost, the object which I recommended the Forth and Clyde Canal Committee to pursue, could be attained. It was not an abstract question of practicability, but how far a very high rate of velocity could be advantageously obtained; at what cost, and what might be the comparative difference of expense, between the proposed new principle, and the present mode of trackage." p. 29.

We have now given, in detail, a number of specimens, which will, no doubt, be sufficient to give a distinct view of the nature

\* The formula referred to, is this,  $f = F \left(1 + \frac{v}{W}\right)^2$  where  $F$  represents the whole force of the horse, when it has no velocity,  $W$  its utmost velocity when drawing nothing,  $v$  any other velocity, and  $f$  the force or effect corresponding. We shall advert to this formula in our subsequent remarks.

† Iron, from its superior strength, and the comparative lightness of the vessels, that may be constructed by means of it, offers many advantages.

of those experiments communicated in Mr. Fairbairn's work, and, also, of their importance. For, notwithstanding the imperfect manner in which they have been conducted, we consider their results, not only to science, but to the commerce of the world, as important. Were it only for establishing this fact experimentally, that by increasing the speed of a certain description of boats on a canal to nine or more miles an hour, the surge and wave, consequent on a slower motion, vanish, the experiments are highly important. It is, however, to be regretted that there is scarcely a circumstance mentioned, if we except this, that could aid in adding to, or perfecting the present state of science on this intricate subject. We see, also, from the mode of calculation adopted in exhibiting the results of the experiments, (pp. 61, 62) that their conformity or disagreement with *theory* has been tested by the single principle of *the squares of the velocities*, as if the essence of every other principle connected with this subject, had been concentrated in this.

We are not astonished, that a mere practical man, such as Mr. Fairbairn appears to be, should reason in this imperfect manner, nor are we astonished that he should quarrel with, and make every attempt to banish theory altogether, when the only light that appears to have beamed upon him from it, *his squares of the velocities*, proved to him an *ignis fatuus*. We are not surprised that this should be the case with Mr. Fairbairn, but we are both surprised and astonished to find in reading an article "On the Advantages of Rail-roads over Canals," in Dr. Lardner's Cabinet Cyclopaedia, vol. xvii. that this great luminary of science should have his vision so obscured, or his intellects so bewildered, as to suffer himself to be conducted by the same *ignis fatuus*. We shall quote his paragraph as we intend to offer a few observations on it afterwards.

"These considerations (he observes) place in a conspicuous point of view the advantages which transport, by steam-engines on a rail-road possesses over the means of carriage furnished by inland navigation. The moving power has in each case to overcome the inertia of the load; but the resistance on the road, instead of increasing as in the canal in a faster proportion than the velocity, does not increase at all. The friction of a carriage on a rail-road moving sixty miles an hour,\* while the resistance on a river or canal, were such a motion possible, would be multiplied 3600 times.† In propelling a carriage on a level rail-road, the expenditure of power will not be in a greater ratio than

\* *Would not be increased*, we suppose understood.

† Here again we have by Dr. Lardner, the same square of the velocity as unscientifically applied, as by Mr. Fairbairn.

that of the increase of speed, and therefore, the cost will maintain a proportion with the useful effect; whereas in moving a boat on a canal or river, every increase of speed, or of useful effect, entails an enormously increased consumption of the moving principle.\* But we have here supposed that the same means may be resorted to for propelling boats on a canal and carriages on a rail-road. It does not, however, appear hitherto, that this is practicable. Impediments to the use of steam on canals have hitherto, except in rare instances, impeded its application on them; and we are forced to resort to animal power to propel the boats. We have here another immense disadvantage to encounter. The expenditure of animal strength takes place in a far greater proportion than the increase of speed. Thus if a horse of a certain strength, is hardly able to transport a given load ten miles a day for a continuance, two horses of the same strength will be altogether insufficient to transport the same load twenty miles a-day. To accomplish that, a much greater number of similar horses would be requisite. If a still greater speed be attempted, the number of horses necessary to accomplish it would be increased in a *prodigiously rapid proportion*. This will be evident if the extreme case be considered, viz. that there is a limit of speed which the horses under no circumstances can exceed. The astonishment which has been excited in the public mind by the extraordinary results recently exhibited, in propelling heavy carriages by steam-engines on rail-roads, will subside if these circumstances be duly considered. The moving power and the resistance are naturally compared with other moving powers and resistances to which our minds have been familiar. To the power of a steam engine there is, in fact, no practical limit; the size of the machine and the strength of the materials excepted. This is compared with agents to whose power nature has not only imposed a limit, but a narrow one. The strength of animals is circumscribed, and their power of speed still more so. Again the resistance arising from friction on a road may be diminished by art without any assignable limit, nor does it sustain the least increase, to whatever extent the speed of the motion may be augmented; on the contrary, the motion of a boat through a canal has to encounter a resistance *by increase of speed*, which soon attains an amount, *which would defy even the force of steam itself*, were it applicable, to overcome it with any useful effect."

If the object of Mr. Fairbairn and others, in their opposition to theory, was to falsify such doctrines, as most of those which are contained in the preceding paragraph of Dr. Lardner, their motive would be perfectly just; but this could hardly be the case, as works existed that could have informed them better. Such hasty publications as are generally, *now got up for the trade*, when treating of scientific principles, or practical subjects, do much more injury than is commonly supposed, when these prin-

\* This is false, as either theory or experiment would evidently shew.

ciples are not accurately established, or clearly elucidated; for the authority of great names is too often a passport for these superficial works.\* If reviewed, they are generally reviewed in the Paul Clifford style, without perhaps examining the truth or falsehood of a single principle contained in them; they are thus puffed off the booksellers shelves, and it would be contrary to established etiquette, to dispute, after this ceremony, their title to utility and even to fame. It was not in this manner that Euclid produced his Elements of Geometry, or Newton his Principia; and hence these works have outlived and are destined to outlive the ravages of time, very unlike the ephemeral productions of our day. To this remark, we are glad to find, however, that there are some illustrious exceptions: we would instance the translation of the "*Mécanique Celeste*," of Laplace, by Nathaniel Bowditch, L.L.D. This work, no less remarkable for the elegance and precision of its language, and the beauty of its typography, than for its profound and extensive notes and commentaries, would do credit to any age or to any country; and must enhance in a great degree, the value of the original; not only by the additional matter, but by removing, in a great measure, the difficulty attending the study of this immortal production.

We shall now endeavour in as clear, and, at the same time, as concise a manner as we can to point out some of those general laws and principles on which depend inquiries of the nature of those exhibited in experiments on the resistance of fluids.

Almost the whole of naval architecture, where there is any real difficulty to be encountered, depends upon hydrodynamics, and particularly on that portion of it which relates to the resistance of fluids, and their various actions on bodies. It is impossible that naval science can keep pace with the improvements and discoveries of the age, until with the practical skill so generally exhibited at present, be united a sufficient portion of theory, or correct science, to throw light on the difficulties that every moment present themselves.

*If a non-compressible fluid act upon a plane opposed perpendicularly to the direction of its motion, the force with which it impels*

\* There are other works of Dr. Lardner of a different character from that of his Cabinet Cyclopædia, such as his "*Treatise on Analytic Geometry*," his "*Elementary Treatise on the Differential and Integral Calculus*," &c. and hence, we were the more surprised at the vague and obscured assertions of this eminent and profound philosopher, which we have pointed out. We are so inundated with these airy and fashionable works, and the taste and judgement so completely violated by theory, that a work of real merit, or profound research and science, will scarcely be read or consulted.

*the plane or acts on it, will be as the square of the velocity of the fluid.*

For the force on the plane must increase as the velocity increases, and also as the number of particles or the quantity of matter that strikes it in a given time: now with twice the velocity there is twice the force, with three times the velocity, three times the force, &c. and also with twice the velocity there is twice the quantity of matter, with three times the velocity, three times the quantity of matter, &c. acting on the plane at the same time; and as the force of a body in motion is as the quantity of matter multiplied by the velocity, it follows evidently that the force on the plane is equal to the product of these equal numbers, or their squares, or which is the same the squares of the velocities.

If the size of the planes vary, other circumstances remaining the same, the forces on the planes will be as their areas respectively; if the densities of the fluids only vary, the forces will evidently be as the respective densities; but when the size of the planes, densities, velocities, and other circumstances vary, then the force on the planes will be made up of all these varying actions, or as the product of their respective forces. These respective actions, or the combinations, according to circumstances, are usually represented by a variety of algebraical formula.

We must not suppose with most writers, we believe, indeed, *with all who have written on the subject*, that it is the actual velocity of the stream that is to be taken, but the velocity with which it actually strikes the plane; for after the particles of the fluid strike the plane, their action does not cease; they must necessarily diverge, and acting upon the particles behind them, must diminish their velocity. *It is this diminished velocity that must be used when we suppose the plane at rest and the fluid in motion.* But if we suppose the plane, or the body in motion and the fluid in which it moves at rest, then it is *the velocity of the plane or body* that is the actual velocity to be taken. This distinction is not made by any of the writers on this subject that we know, and hence *theory will sometimes differ from experiment.* If we suppose the fluid in motion, and the plane or body to be also in motion, either in a contrary or in the same direction with that of the fluid, then the sum or difference of these velocities must be taken in estimating the actual force on the plane or body.

Suppose now that a vessel in the shape of a parallelopiped, or oblong rectangular box, be partly immersed in a stream of water, it is evident that besides the direct action of the stream on it, an additional action or resistance will be produced *by the*

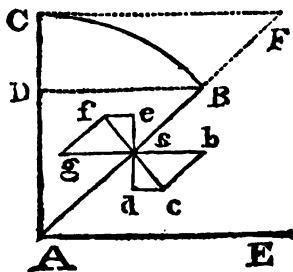


friction on the sides and bottom, by the accumulation of water in front—thus exposing a larger surface to its action—and by the want of the full pressure behind, from the action of the current on both sides communicating a portion of their motion to that of the fluid behind the vessel, and thus diminishing its pressure; or even forming a hollow between the space where the currents on both sides meet, and the stern of the vessel. When all these circumstances are allowed for, then *theory* will agree with experiments. For want of attending to these circumstances, we scarcely ever find that any two sets of experiments agree among themselves, or with theory. When the form of the vessel at the stem is that of the above, the space, formed behind the vessel by the two currents, and the front is *spoon-built*, as Mr. Fairbairn would express it, or is of such a form as to diminish the rise of the wane in front, or produce none at considerable velocity, the resistance from the causes may be almost entirely done away with.

Thus far the law of the squares of the velocities will hold after making these necessary corrections, while the size of the planes or bodies exposed to the fluids, their position, densities of the fluids, and other circumstances remain the same, or do not vary. But we are not, however, to infer from this, or to take as granted, that if the velocities be considered as variable, other circumstances would not also necessarily vary with them, and modify the result of this general principle. To suppose the contrary, as Dr. Lardner, Messrs. Graham, Fairbairn and others have done, would be as absurd as to suppose that Euclid's axiom, "things equal to the same thing are equal to one another," would hold in every possible case, as well as that in which the comparison is made: or that because a man is an *animal*, and a goose also an *animal*, a man must, therefore, be a goose.

To shew clearly that a similar or false application of *sound theory*, was made in the instances alluded to, we shall have to establish a few more general principles.

Let AC, be a section of a plane cutting the fluid A E F C in the direction of its motion E A, or B D, at right angles; we have shewn, (that with some trifling allowances which we have pointed out) the action of the fluid on this plane will be as the squares of the velocities. Suppose now the plane to have the position A B, its inclina-



tion to the horizon, or to the direction E A, of the fluid, being equal to the angle B A E, or A B D; then the fluid acting obliquely on the plane, its direct force will be to its force acting obliquely (as demonstrated in mechanics) as radius to sine of the angle of inclination; taking  $r$  for radius, and  $s$  for sine of this angle, we have  $r : s :: A B$ , or  $A C, : A D$ . The radius being a constant quantity, or in natural numbers equal to unity, the force of the fluid acting obliquely on the plane will vary *as the sine of the angle of inclination*; and this we consider to be the true expression for the direct force on the plane. *But every author who has written on this subject*, we believe without a single exception, which is remarkable enough, makes this force vary *as the square of the sine of the inclination*. For they consider that the *body of fluid* acting on C A, in this position is as the depth C A, admitting C A, to be entirely immersed in the fluid, and the portion acting on A, B, in the position A, B, only as the depth D A,; the portion of the water of which C D, is a section, having no action on A B. These respective portions, viz. A C, and A D, being also as  $r$  to  $s$ , and combining this proportion with the above, the direct force on both these accounts would be as  $r^2 : s^2$ , *the square of the sine of inclination*.\* It must, however, appear evident that there is the same surface or portion of the fluid, or as many particles in contact with the plane A B, as with the plane A C, in their respective positions; but that those particles acting on A B, act obliquely, and therefore, the diminution of force on A B, must be from this cause alone; and hence this force must vary *as the sine*, and *not as the square of the sine* of the inclination, the latter law being evidently established on a *false assumption*.

If two planes, as represented by A C and A F in the figure, be equally immersed in the fluid or to the level C F according to the advocates of the *squares of the sines of inclination*, the

\* Whatever holds with regard to the inclinations of the physical lines or sections, A C,; A B, in the figure, may be easily shown to hold with regard to any plane whatever be its figure, or whether bounded by straight, or curve, or mixed lines. For the figures may be divided into indefinitely small sections, or elementary planes, and as the same law or proportion must hold in each of those whatever that law may be, each being acted on by an elementary filament of the stream or fluid; it will then be  $r$  (or  $r^2$ ) is to  $s$  (or  $s^2$ ) as the force on the elementary plane of the one to that on the other; or by taking the sum of the antecedents and consequents, which are the areas of the respective planes; the forces on these planes will, therefore, be in the same proportion. We may in this manner compare the force on any polygonal surface presented to the fluid to that of a section perpendicular to the fluid; or that on a curve surface, by resolving the curve surface into its elementary planes. Here a *beautiful display of the Calculus* might be made, but hitherto from not sufficiently attending to the physical conditions of the problem, although a vast deal of Calculus has been exhibited *instead of principles or facts*, the whole has resulted only in having given *some single proposition* agreeing, perhaps, with some single experiment, and no other.

quantity of fluid acting on each, would be the same. But it is evident that the fluid in contact with B F is to that in contact with A C as the respective areas of those plains. But as there is so great a mass of authority in favour of the old principle, the result, as regards *the sine*, which in the present inquiry we consider *new*, must, as we hold ourselves responsible for the truth of it, be also tested by experiments, and we have consulted them.

Mr. Bland, in his *Hydrostatics*,\* after establishing in his way, the hypothesis of the squares of the sines of inclination has the following remark in a note.

"It appears from experiments (says he) that the resistance which arises from oblique impulses do not vary as the  $\sin^2$  of the angle of inclination; but that when the angles are between  $50^\circ$  and  $90^\circ$ , the common theory may be used as an approximation, observing (even in these cases) that it *always gives the resistances a little less than experiment, and as much less as the angle differs from  $90^\circ$ .*" p. 195.

Now, the tabular natural sines and cosines being decimal fractions of the radius unity, the squares of these sines, must be less than the sines themselves. The cubes and higher powers must be still less; and, hence, the resistance must diminish as these powers increase. These powers, also, evidently diminish as the angles become less than  $90^\circ$ .

Professor Robison observes, in his very able article on resistance, in the *Encyclopedia Britannica*, (unquestionably one of the best articles on this subject,) that "*the resistances do, by no means, vary as the sines of the angles of incidence.*" And, yet, Robison establishes the common theory of the *squares of the sines*, on the usual hypotheses; which we have shewn to be false, and which does not agree with well conducted experiments, because it is not the correct theory. Professor Robison continues to observe, that

"As this is the most interesting circumstance, having a chief influence on all the particular modifications of the resistance of fluids, and as on this depends the whole theory of the construction and working of ships, and the action of water on our most important machines, and seems more immediately connected with the mechanism of fluids, it merits a very particular consideration. We cannot do a greater service than by rendering more generally known the excellent experiments of the French Academy." p. 102.

After exhibiting these experiments, which were made with so much care, that the accumulation against the fore-part of

\* Under the term *Hydrostatics*, Mr. Bland includes also, *Hydraulics*, *Hydrodynamics* and *Pneumatics*. This work was published in 1824, for the use of the students of the Cambridge University, England.

the vessel was carefully noticed, as well as the diminished pressure behind the vessel, his inference is as follows :

“ But we see that the effects of the obliquity of incidence deviate *enormously* from the theory, and that this deviation increases rapidly as the *acuteness of the prow increases*.† In the prow of  $60^\circ$ , the deviation is nearly equal to the whole resistance pointed out by the theory, and in the prow of  $12^\circ$  it is nearly forty times *greater* than the theoretical resistance.”

It would be only twenty-five times greater by taking the *sine* of  $12^\circ$  in place of its *square*. There must, therefore, be some mistake in the forty ; unless the prows were suffered to sink under the water, or that the water had accumulated over them. This circumstance would produce this extra resistance, as we shall presently shew, but it is not mentioned. After exhibiting similar deductions from Mr. Robin's and Chevalier Borda's experiments, Professor Robison further remarks—

“ In short, in all the cases of oblique plane surfaces, the resistances were greater than those which are assigned by *the theory*. The theoretical law, (viz : the squares of the sines) agrees tolerably with observation, in large angles of incidence, that is, *incidences not differing very far from the perpendicular* ; but in more acute prows, the resistances are more nearly proportional *to the sines of incidence, than to their squares*.”

Here is abundant evidence from experiments, that these forces are proportional to the *sines* of inclination, and not to their *squares*, as we have pointed out from *actual theory*. Simple as this law is, when discovered, it has produced more confusion and disappointment in both elaborate investigations, and expensive experiments and undertakings than perhaps any other portion of physical science.

D'Alembert, after exhausting, we might say, the resources of the Calculus on this subject, in his “ *Essai sur la resistance des Fluids*,” and afterwards in tom. 1, 5 and 8 of his “ *Opuscules*,” where he has given no less than ten extensive “ *Memoires*” on this subject, arrives, at length, at the following conclusion, in sec. xiii. p. 210 of his last volume.

† The French experiments were made with fifteen boxes or vessels, each two feet wide, two feet deep, and four feet long. One was a parallelopiped, the others had prows of a wedge form, the angle varying by  $12^\circ$  to  $180^\circ$ , so that the angle of inclination (of incidence, used by Robison in the same sense) increased by  $6^\circ$  from each other. These boxes were dragged across a very large bason of smooth water, in which they were immersed two feet, by means of a line passing over a wheel connected with a cylinder, from which the actuating weight was suspended. The angle of the prow or wedge was placed at the surface, so that there were two feet of the vessel immersed, and two feet above the water. (See the figures in the art.)

“Voilà (says he) ce qui résulte de principes ordinaires de la mécanique, appliqués à l'action des fluides sur les corps. Mais l'expérience n'est pas conforme à ce résultat ; car elle prouve que l'action d'un fluide n'est pas comme le carré des sinus des angles d'incidence.”

It is astonishing that his sagacity, which managed with so much facility, and wielded with so much dexterity, the powers of the Calculus, could not perceive, at first sight, the fallacy of the reasoning in establishing this false principle ; but it is still more astonishing that it should be adopted contrary to reason and experiment, in every work of science on this subject, from Newton's, even down to the present time. This appears to be a further confirmation of that strange anomaly in the human mind, that the simplest truths, and the simplest modes of arriving at them, are the last perceived. This observation may, in some degree, diminish our surprise, that D'Alembert should conclude his last *Memoire* on this portion of physics. (Opus. tom. viii. p. 230,) in these mystical expressions :

“On voit par ces details combien il est difficile de trouver une équation  $\varphi(x+y\sqrt{-1})-\varphi(x-y\sqrt{-1})=2M\sqrt{-1}$ , qui représentent exactement les filets du fluides, au moins si l'on veut avoir une théorie rigoureuse de la resistance du fluide au mouvement du corps.”

This famous equation of D'Alembert, arrived at, after so much labour, may, for the sake of those who are not conversant in algebraical functions, be thus translated into plain English. One imaginary quantity or difficulty, less another imaginary quantity or difficulty, equal a third imaginary quantity or difficulty.\* Still, in his very last lines, he encourages geometers to go on in further developing these imaginary functions, without bestowing a thought on the simple elementary principles on which his investigations principally depend. “Cette matiere, (says he) paroît bien digne d'occuper les geometres.”

The celebrated Poisson, who appears to have united in himself, the analytical talents, both of Lagrange and Laplace, in the second edition of his excellent treatise on Mechanics, after making some distinctions between incompressible and elastic fluids, and giving formulas corresponding to the former, p. 481 vol. ii. and to the latter, in p. 482, arrives, at length, at the following conclusions, p. 483-4, art. 564.

“Il résulte de cette analyse que, soit qu'il s'agisse du mouvement d'un fluide incompressible, homogène ou hétérogène, ou de celui d'un fluide élastique, dont la température peut être constante ou variable suivant

\* See Art. on Geometry and the Calculus, No. 1, Southern Review.

une loi donnée, on aura, dans tous les cas, un nombre d'équations égal à celui des inconnues que referme le problème ; mais ces équations sont, comme on voit, aux différences particules entre quatre variable indépendentes, savoir, les co-ordonnées  $x$ ,  $y$ ,  $z$ , et le tems  $t$  ; *leur integration générale est impossible par les moyens connus jusqu'ici* ; et lors même qu'on parvient à les intégrer, en les simplifiant par quelque hypothèse particuliere, il reste à déterminer, d'après l'état du fluide à l'origine du mouvement, les fonctions arbitraires que leurs intégrales contiennent ; *ce qui présente encore de très-grandes difficultés.*"

We perceive, that granting the *arbitrary functions* (mere supposition) in these unmanageable differentials, or which is the same, *granting the elementary principles and their results* ; the *Calculus*, like Archimedes' lever, can effect any thing, notwithstanding the "tres-grandes difficultés." But the real difficulty in the one case, consists in *accurately establishing those principles*, and, in the other, in *actually finding the fulcrum for the lever.*\*

The deficiency which we have pointed out in what is called the *theory or the squares of the sines*, is not, after all, the principal source of error, when the planes or bodies are inclined to the direction of the fluid, and move with considerable velocities ; for it is, then, principally, that the errors in the formulas, not deduced from *strict theory* compared with accurate experiments, exhibit themselves.

In the preceding figure, let  $b a$  represent the direction, and the full force of the fluid ; or the force resulting from the quantity of matter in motion combined with its velocity. Let this force be resolved into the two forces,  $a c$  perpendicular, and  $b c$

\* Mr J. Challis, Fellow of Trinity College, Cambridge, &c. has published in the Philadelphia Magazine for August, 1829, pp. 123-133, some interesting remarks on the general equations given by M. Poisson in articles 567, 568 of his *Mechanics*, which represent the laws of motion of incompressible fluids conducted in the most general manner ; but our limits would not permit our further notice of them at present. There is here, however, no new principle developed. M. Poisson, in a very elaborate memoir, "Sur la Théorie des Andes," published in 1818, and inserted in the *Memoirs of the Royal Academy of Sciences* for 1826, pp. 71-186, makes the two differential equations given in vol. ii. p. 493 of his *Mechanics*, the ground work of this theory of waves. In the above Memoire, there is a learned display of the *Calculus*, to solve a single problem, we think, after all, not so satisfactorily. There is another, perhaps more elaborate display in a Memoire, published among those of the same academy, in 1827 (tom. vi. 1823) pp. 369-440 by M. Navier. But when we find it predicated on notions, such as the following, it does not require much investigation to shew that little reliance can be placed on it, however profound. "Nous prendrons pour principe, dans les recherches suivantes, que par l'effet du mouvement d'une fluide, les actions répulsives des molécules sont augmentées ou diminuées d'une quantité proportionnelle à la vitesse avec laquelle les molécules s'approchent ou s'éloignent les unes des autres." *This is the fulcrum for the lever*, which ought to be first established. On the same subject of *waves*, there are no less than 312 pages of the most refined analysis by M. A. L. Cauchy, in the "Memoires par Divers Savans," tom. 1. 1827.

parallel to the plane  $AB$ ; then the force  $bc$  being parallel to the plane, has no action on it;  $ca$ , therefore, represents the full force acting on the plane. This force being again resolved into the two forces,  $ad$ , in the direction of gravity, and  $cd$ , in the direction of the fluid;  $cd$ , will then represent the portion of the original force  $ba$ , which acts on  $AB$ , *in the direction of its motion*; and the force  $ad$ , has no other tendency than *to raise the body or plane out of the fluid*, or act in a direction contrary to gravity. If, then, the plane or body in motion forms an angle, *inclined to the direction of the fluid*, in proportion as the velocity of the fluid, or the force on the plane increases, the tendency of the body to rise will increase also. By the common rules of plane trigonometry, any of these forces, or the whole combined, can be easily expressed in analytic forms, and the rules of the Calculus as easily applied to them when necessary.

This upward force, which appears to be entirely overlooked by writers on this subject, and which is to the direct force acting on the plane as the *cosine* of the angle of inclination to radius, *accounts for the boats with which Mr. Graham and Mr. Fairbairn made their experiments, skimming on the surface of the water, at high velocities*, their gravity being so much counteracted, and, therefore, scarcely forming a ripple. Hence, whatever be the law of the forces, this upward force will be constantly varying the portion of surface exposed to the immediate action of the fluid, and, therefore, constantly diminishing the surface, and of course the resistance *as the velocity increases*, when the plane inclines as  $AB$ , in the figure, to the direction of the fluid,  $FA$ .

Should the keel, or the whole body of the vessel be raised at a small angle, this upward force would then come into play on the whole of that portion of the vessel immersed in the fluid, which is inclined to it. Hence, important questions arise, not only as regards the shape of the prow, but likewise the whole of the vessels, and whether those calculated for high velocity ought not to be constructed, or loaded, so as to sink the stern a small portion; for with such velocities the effect would be considerable. Thus, if we suppose the inclination of the plane,  $AB$  equal  $45^\circ$ , half the entire force, or  $\frac{1}{2} ba = da$ , will act in a direction contrary to gravity, or in raising the body. The upward pressure is greatest at this angle, and equal at equal elevations above and below it; so that at  $30^\circ$  and  $60^\circ$  the upward pressures are equal; as also at  $1^\circ$  and  $89^\circ$ . These conclusions can be easily derived from the figure, or by calculation. If, for further elucidation, we suppose the plane to pass through the fluid with a force that would cause it to pass over a space

of thirty-two, and one-sixth feet in a second of time, and to be inclined to the direction of the fluid at an angle of  $45^\circ$ , then the upper pressure would be equal to a force that would cause the body to pass over sixteen and a half feet in a second, and, therefore, an exact counterpoise to the force of gravity. In this case, the *plane or body would have no pressure on the fluid*. A greater force than this, or a force that would cause the plane, in this position, to pass over more than twenty-two miles an hour, would cause it to mount above the fluid, until the action of gravity preponderating, would bring it back to its own element again. At an angle of  $30^\circ$ , or of  $60^\circ$ , it would require a velocity of little more than thirty-seven feet in a second, or about twenty-five miles an hour, to counteract the force of gravity; and at an angle of  $1^\circ$ , or of  $89^\circ$ , the velocity required, for counteracting gravity, would be nine hundred and twelve and a half feet per second, or six hundred and twenty-eight miles an hour.\*

The examples here selected, are similar to what we observe in a kite held by a string, and mounting in the air; *its plane forming an angle with the direction of the wind*; and it is on the same principle, that birds, as buzzards, &c. can float for a considerable time in the air, without moving their wings, after having previously acquired a considerable velocity; *owing to the peculiar shape of their breast*. When there is no velocity forward, as in the case of a hawk eyeing a bird, the wings must

\* These conclusions are very different from those deduced by Dr. Lardner and Mr. Fairbairn, from theory. In the examples exhibited above, in place of the resistance vanishing altogether as we have pointed out; they would make it increase with the squares of the velocities; so that in the last example, it would become, according to them, equal to  $(628)^2$  in miles; or equal to a force that would counteract a velocity of 394,384 miles an hour.

It is well known that it would require more than a velocity of 25,993.3 feet in a second, or 17,722 $\frac{1}{2}$  miles an hour, for a locomotive engine on a level rail-road, to detach itself by its velocity from the road, abstracting from the effects of the air's resistance, admitting that it met with no impediment, and the radius of the earth 21,000,000 feet, and the force of gravity, such as to cause a heavy body to descend 16,087 feet in a second. (See Cavallo's Philosophy, American edition, vol. 1, p. 73, or Wallace on the Globes and Practical Astronomy, p. 473. art. 46.) The locomotive, while describing this immense space of 25,993.3 feet in a second, its friction from its weight would only be such as would cause it to deviate from its tangent, or direction in a straight line,  $16\frac{1}{12}$  feet, during this time. And this would be the measure of its friction from gravity, in a second, whatever be the space described in that time; were it only one mile, or even one foot. This remarkable fact, which depends on the principle, that a body once put into motion, will retain that motion for ever, until counteracted by an equal and contrary motion, explains almost the whole doctrine of the friction of locomotive engines, as far as gravity is concerned. The application of this simple principle would save correspondents in the London Mechanics Magazine (N. A. series) a vast deal of labour in their unsuccessful investigations. It is in consequence of this law that the bird, or balloon, in the air, is not abandoned by the earth notwithstanding its rapid and various motions in space; and that a variety of other phenomena are satisfactorily explained.



be agitated with considerable quickness to support its weight against the force of gravity.

If, on the contrary, we suppose the fluid to act on the plane,  $A B$ , and  $g a$  to represent the force with which a film of it acts on the portion  $a$ , in that direction, the same construction being made as in the preceding case,  $f a$  will represent the force on the plane, and  $e a$  the force acting downwards, or in the direction of gravity. An example of the action of this force may be found in *mill-dams*. When they form an angle of  $45^\circ$  with the current, the pressure downwards is equal to half the full force of the water striking them, and this action increases with the velocity of the current. This circumstance not being noticed in the French experiments, may account for some anomalies in them, owing to the shape of the prow of the vessels.

*It must now, we think, be acknowledged, that Dr. Lardner did not reason philosophically, and that Mr. Fairbairn did not consult theory, in their views of this subject.*

But what we have mentioned, is far from giving the elements even of a complete theory. For, in the most simple case of all, that of a plane; besides the inclination we have been speaking of, it may have another in a direction *oblique to the current, or direction of the motion*, as in the case of the rudder of a vessel; and each side of the *prow* is in a similar situation. Here, again, the same allowances are to be made, and the same circumstances will take place as regards this second inclination. In *each case* there will be a force acting upwards.

When we consider the variety of these circumstances, and many more which have not been touched upon, the difference in the actions, when they do exist, between those of incompressible and compressible or elastic fluids (*in the theory of which much error exists as yet*;) the variety of planes, of curve surfaces, and of solids that may present themselves, and consider, at the same time, *that as yet, the most simple case of the problem has not been satisfactorily solved*; we must be astonished at the temerity, or rather ignorance of those, who generally undertake its solution, and give their indigested mass to the world *as theory*.\*

In the well written article on resistance, by Professor Robison, he has scarcely added any thing to our knowledge on this

\* We must except from the number of those, such authors as Bossut, Bonguer and Euler, particularly the latter. In his "Théorie Complétte de la Construction et de la Manœuvre des Vaisseaux," a good translation of which into English, is given by Henry Watson, Esq, once chief-engineer of Bengal; he has adopted the common theory of the square of the sines, &c. although attempted to be established somewhat differently from the usual mode, (see pp. 74-5-6, &c. of the translation, new edition, London, 1790.) which renders the whole of the work, considered one of the most important on the subject, of little use comparatively.

subject, in a scientific point of view ; but he arrives, after all his labour, which must be considerable, at this remarkable conclusion, that very few who undertake the solution of this problem, since the days of Newton, understood it, or perceived its difficulty.

The physical condition of the problem, its constant variation with the variation of various causes, every moment present new circumstances which are generally overlooked. When these circumstances, and the innumerable number and variety of the figures are considered, together with their various positions with regard to the direction of the fluid, it must, we think, be acknowledged, that this problem is by far the most difficult, which the physico-mathematical sciences have yet encountered, and that, in the investigation of which, the least progress has been made. The reason of this appears evident, for if those who attempt its solution, start out with a false hypothesis, as for example, in assuming the *squares of the sines* for the *sines themselves*—whatever dexterity they might possess in the management of the *Calculus*, in exhibiting general expressions, &c. the whole must ultimately end where it commenced, without establishing a single legitimate principle. Hence, even in Newton's determination of the resistance on hemispheres, cylinders, &c. the figure of the most advantageous vessel for sailing, and various other inquiries which his followers have instituted, the physical conditions of the problems not being well understood, or attended to, the results, however elaborate, are not to be depended upon.

Mr. Thredgold, a civil-engineer, of considerable theoretical acquirements, notwithstanding the formidable aspect of this subject, has vigorously grappled with it in the *Philosophical Magazine and Annals of Philosophy*, (new series, April, 1828, pp. 249–262.) He calls his investigations, “*A new Theory of the resistance of Fluids, compared with the best experiments.*” He has, in what he conceives a *new theory*, a considerable display of algebraical formulæ, with, now and then, a *trace*, as analytical chemists would say, of fluxions ; expended, however, to little purpose, on one or two antiquated problems, (pp. 252–3.) In all these investigations, the principle of the *square of the sine of the inclination*, to express the direct force on the plane, or which is the same physical principle, the *cube of this sine* to express the resistance in the direction of the motion, *which we have shewn to be erroneous*, is made use of. Besides, there is no notice taken of the pressure in the direction of, or in a direction contrary to gravity, as we have pointed out ; which, with the variation of the velocity of the body of fluid, must constant-

ly vary, and, therefore, vary as constantly the physical state of the inquiry. His formulas, therefore, though evidently elaborate, are of no theoretical or practical utility. This is the more to be regretted, as Mr. Thredgold possesses more than an ordinary share of science in his profession, and has laboured hard to establish his *new theory*.

"It will be evident to any one who examines the preceding paper, (he remarks, at the conclusion of his article) that it must have cost me a great deal of labour, and, in consequence, I was desirous of presenting it to the Royal Society. But finding that *I must sacrifice all claim to new theoretical investigation*, in order to secure its appearance in the transactions of that society, I chose in preference to send it in to Newcastle, and to take this most respectable channel for presenting it to the public, knowing that it will be *extensively circulated* among men of science, as well as that, *in these days it does not require the aid of authority to support the cause of truth*; while recollecting the state of hydrodynamical science as it appears in books written for the use of *University students*, we know that *when authority has not truth to propagate*, it does not hesitate to teach that which is *known to be erroneous*."—"Having opened a *new path* in this difficult subject of the motion of fluids, *it was not in my nature to stand still*." &c.

Here Mr. Thredgold mentions those inquiries in which he has been since engaged, and which he promises to present to the world, if his health permits. We fear, however, that without perceiving it, he has got himself already within the lion's grasp, and although, in this awkward situation, *it may not be in his nature to stand still*, yet it may cost him much greater efforts to extricate himself, than in getting into this unpleasant difficulty. We are of opinion, however, that a few lessons from his friends of the University, on the *Calculus*, in addition to his stock of *fluxions*, such for example, as on *partial differentials*, *definite integrals*, the *Calculus of variations*, &c. might place him more nearly on a footing with those who have so vigorously grappled with this difficulty; at all events it would enable him to exhibit himself in a more modern and fashionable dress.

In our hasty review of this intricate subject, it was natural enough we should turn our attention to some of the voluminous productions of the older institutions of our own States, in the number of which, the *University of Cambridge* and the *College at Yale*, stand pre-eminent. We must confess, however, that we have been utterly disappointed. In the *Cambridge Mechanics*, by Professor Farrar, we have consulted the portion of it allotted to the "Resistance of fluids to bodies moving in them," (pp. 388-403) and find that almost the whole of it is taken *word for word* from Ch. 5, vol. i. p. 537, &c. of O. Gregory's *Mechanics*.

It is well known that this latter production itself, is a patch-work, principally from French and English authors, without any strict connexion, and certainly with no additional improvement. Mr. Farrar has, however, the merit of altering the awkward English dress which Gregory adopts, by changing the *dot*, or fluxional mark over the variable quantity, to *d*, the French mark for differential, to give his work, no doubt, an appearance of some uniformity, and clothe it in the more fashionable French costume.

Professor Olmsted of Yale, has taken, however, a more straight forward course. For the *whole* of his "Introduction to Natural Philosophy, vol i. Mechanics," 1830—is taken *verbatim* from Bridge's Mechanics, published in 1814, for the use of the English East-India College, with the exception of *two theorems* taken from Newton's Principia, and placed in the front pages. In his explanation, however, of the character, *i. e. id est*, or that is, he ventures now and then to place the word *theorem* after it, in defiance of the common rules of grammar. For the rest, the *figures*, the words in *italics*, the *examples*, the *whole*, is a faithful copy, as far as Mr. Olmsted's work is carried. Even the sign  $\sqrt{\quad}$ , sufficiently formidable it is true, to our freshmen in college—a hasty mode of forming the letter *r*, the initial of radix or root, and when no member is placed in its claw or prong, it indicates, as is well known, the square root—is illegitimately curtailed of its usual privileges, in a variety of instances.\* In the original, however, we presume these errors can only be typographical.

From such sources, therefore, we could expect to receive but a small portion of those rays of science, calculated to dispel any of the mists, which usually hover around these intricate inquiries, and which so often impede our progress.

We should now proceed to examine in order, the theory of the *resistance of elastic fluids*, such as air; its effects not only on the sails of ships, but on machinery in general, affording a subject for investigation extensive and important, as also its effects in rapid velocities on locomotive engines; for the theory of these fluids, as we have already observed is extremely defective, and many of our preceding observations relative to non-elastic fluids would equally apply to this subject. It would be also within the scope of our review to examine the mode of arriving at the *actual force*, or actual resistance of fluids as well as the *relative force*, to which only we have hitherto had reference; but this article is already sufficiently long to prevent our

\* See among other pages 33, 4, 5, 6, 8, of the original and corresponding pages 27, 8, 9, 30, of the copy.

inflicting on our readers at present this further task of accompanying us in our observations on these abstruse researches. It is, however, remarkable, that in endeavouring to establish, or rather discover a principle, on which not only the *theory of waves*, that of *sounds*, and several other points of physical inquiry depends, as well as the resistance in question, Newton has fallen into an error that pervades the whole of his inquiries on these subjects. His followers, such as Emerson, Cavallo, Vince, and others have copied him faithfully, and it is amusing to read Biot's and even Laplace's reasons, no doubt, from not examining the formula, and from the great reverence for the *ipse dixit* of their master, why Newton's theorem for the velocity of sound gave less than experiments made it. It would, in fact, give even more than 1142 feet in a second, as experiments then made it, were it not for the error alluded to, which consists in his assuming, that the velocity of a fluid issuing through an orifice in a vessel, was equal to that acquired by a body in falling *half the height* of the fluid, in place of *the whole height*; after having assumed that the velocity of sound is equal to that with which air of the usual density, rushes into a vacuum. On this principle as already remarked, viz. that the velocity is that due to the *whole*, and not to *half* the height of a fluid, depends the method of determining the *actual force* of any fluid against a body, its velocity or that of the fluid passing through it, being given; for the force of the fluid on a plane is estimated equal to the weight of a column of the fluid, having the surface for its base, and for its height the fall producing the velocity of the motion.

Notwithstanding our eagerness to arrive at the conclusion of this article, there is one observation of Dr. Lardner which merits some further notice, viz. that steam-engines have not been employed to any extent as yet on canals, so as fully to test their utility in these narrow channels, yet when we consider the rapidity of the improvements, and the facility with which every difficulty that presents itself is obviated;\* if to this we add the recent improvements in locomotive engines, the application of the surplus steam, in passing it *through the fire*, which has been effected in one of Mr. Stevenson's engines, on the Manchester and Liverpool Rail-road;† the producing a vacuum over the

\* Mr. Blanchard of Massachusetts, has, we understand, lately introduced several improvements, that may tend to obviate some of those difficulties.

† Mr. Herschel, who is also an excellent chemist, in the Philadelphia Magazine, Feb. 1831, p. 375, has the following remark on the application of steam in this manner, which has, however, so well succeeded. "From one of the known ingredients of steam being a highly inflammable body, and the other that essential part of the air which supports combustion, it was *imagined* that this would have the effect of increasing the fire to tenfold fury, whereas it *simply blew it out*," &c. Dr. Cooper,

fire, as effected by Messrs. Braithwait & Erieson, in some of their engines, (see *Mechanic's Magazine*, 1830-1, *passim*) the passing the steam through tubes considerably heated; these, with the improvements in *crank motion*,\* bid fair to produce a new era in practical mechanics.

We commenced with the intention of exhibiting also the comparative merits of rail-roads, and canal or river navigation, but we must, from the length to which this article has already extended, defer this important inquiry for some other occasion. We are satisfied, however, that each have many and peculiar advantages, and that it is in uniting these, that the greatest possible advantage, as far as depends on these means, can be attained.

President of the South-Carolina College, in one of his late experiments, has tested in a satisfactory manner, the utility of this application of steam. We would remark with regard to Mr. Herschel's anecdote and *witty remark*, that the cause of truth or science is not much advanced in this way. A little stock of these witty, but often trifling anecdotes, form in some cases, the whole apparatus of some respectable writers of our times, by means of which they decide the most weighty and important questions, in every department of human knowledge.

\* The improvements made by Professor Wallace, of the South-Carolina College, who first pointed out the use of *two or more* pitmen, or connecting rods, in place of *one*, which saves most of the power lost by the use of the crank, which is fully three-fourths of the original, as theoretically proved, and tested by the experiments made with the *Cornwall* engines. For this invention he some time ago secured a patent. It is, however, more than probable, that as his avocations will not permit him to attend to its application in person, he will derive but little advantage from this important improvement. From an article published in the *National Intelligencer*, Sept. 21, 1831, where Professor Wallace is spoken of in terms of respect not only as to talents, but as to his invention, and where it is stated that some persons are already endeavouring to claim for themselves the substance of this invention, by petty changes made, as they imagine, in the mode of applying the principle of the two or more pitmen, and thus infringing on his patent, particularly a Mr. Tibbets. It is proper to observe, that whenever more than one pitman, or connecting rod, is applied, to remedy the loss of power, any and every such application is an infringement of his patent right; this being its essential principle. We may on some future occasion enter into a full discussion of the objections and observations of the writer in the *Intelligencer*. They are certainly erroneous. Experiment alone, however, can now satisfactory decide this matter; and 30 or 40 dollars expense would be sufficient to make the trial in almost any of our steam-engines. Professor Wallace, we have no doubt, would furnish any further particulars in making the experiment to any one who should desire it; and in applying the pitman *either vertically or horizontally*.

ART. VI.—*A Year in Spain.* By a young American. 2 vols. 12mo. second edition. New-York. 1830.

THIS very pleasant and instructive book, is understood to be written by Lieutenant Slidall of the United States Navy. With the laudable design of acquiring a thorough knowledge of the language, and of seeing and knowing a country now almost as little travelled as Egypt or Mongolia; he pushed on into the heart of the kingdom, penetrated the villages and ventured into the very by-ways and wastes, undismayed by bad roads, ill contrived stage-coaches, uncomfortable inns, or the daily danger of being robbed and murdered. Never did a traveller appear to possess a more happy temperament for getting on with the world, and especially for conciliating favour among a people celebrated for their hauteur and deep rooted prejudice in favour of their national manners and customs. He mingled with the groups round the fires of the village inns, chatted and joked with the *conducteurs*, his guides, and chance acquaintances, eat unhesitatingly in the same dish, and to suit the good subjects of his Catholic Majesty, crossed himself devoutly as often as occasion required. A traveller of this character is precisely the one to give us a fair account; for his urbanity is generally repaid by an attention and politeness from the inhabitants of the country that puts him in a good mood to view things with an impartial eye.

Spain exhibits little change on the present day from the description of Townsend, Bourgoanne, Dihon or Swinburne; but this, with us, is, in fact, one of the attractions of the work before us. Our wonder is constantly excited in beholding, amidst the general and rapid progress of most of Europe, the stationary character of a kingdom from three sides of which can be daily seen every flag of the civilized world. Perhaps we are even wrong in using the word *stationary*, where the slight advances of a few sea-ports cannot counterbalance the progressive wide spread decadence of the rest of a realm. Not to revert to the golden days of the Spanish monarchy, in vain shall we at present look abroad for the wealth, the splendour, the comparative general comfort that has been made familiar to us by the Bachelor of Salamanca and Gil Blas, fiction to be sure, but whose perfect verisimilitude has always been admitted, both as to the manners and the countries they describe.

On entering the Spanish territory, our travellers trunks were examined to discover any infidel or revolutionary works, especially those of Marmontel, Rousseau, Voltaire, and the

modern metaphysicians and economists. This salutary caution had become the more necessary, as, recently, a large package of books composed of the "Social Compact," and Llorente's "History of the Inquisition," backed with the pious title of "Lives of the Saints," had safely crossed the loyal and orthodox boundaries of the Peninsular. The transition from the two neighbouring kingdoms is striking.

"In the public offices, police, military, in fact, in every thing which relates to the general service, the traveller will, however, notice a most decided change, in passing from France into Spain. On the French side, he finds snug buildings to shelter the custom-officers—men who would repel a bribe with indignation; cleanliness and uniformity in the dress of the *employé's*; and *gens-d'armes* well accoutred and well mounted, patrolling the country in pursuit of robbers, and enabling the citizen to pursue his avocations in security. On the Spanish side how different! Miserable looking *aduaneros* crawl forth, with paper cigars in their mouths, in old cocked hats of oil cloth, and rolled in tattered cloaks, from beneath mud hovels, which seem to be only waiting for their escape that they may tumble down. They make a show of examining you, ask for something for cigars, and if you give them a *peseta*, they say that all is well, and you go by unmolested. Here there is no law but that of the strongest, and every man is seen carrying a gun to protect his person and property." vol. i. p. 25.

The first place of importance our traveller arrives at is Barcelona, where he gives us a picture of Spanish comfort, and of the cattle that in a great measure cause it.

"Our fonda was situated, as we have already seen, upon the Rambla, an immense highway through the city, the chief thoroughfare and promenade of Barcelona. Being of modern construction, we found large and commodious apartments. But to one accustomed to the conveniences and luxury of a French bedchamber, which constitutes indeed the chief excellence of their inns, my present room was but dreary and desolate. Besides the tile floor and white-washed walls and ceiling, there were a few chairs, a table, and no mirror; on one side a comfortless bed, hidden by curtains in an alcove; on the other a large window with folding sashes and grated balcony. It overlooked an open field, which had no trees, but was covered with ruins and rubbish. The place had formerly been the site of the convent and spacious garden of a Capuchin fraternity. The property had been sold during the late period of the constitution, and the buyers were proposing to build houses, and to render it productive, when the royalist insurrection, which the despoiled clergy had stirred up, aided by French armies, brought about the counter-revolution. Those who had paid for the land were dispossessed with little ceremony, and the materials which they had been collecting to erect stores and dwellings, were now fastened upon by the returning fugitives, to renew the demolished combi-



nation of church, and cell, and cloister. The good fathers might be seen all day from my window, moving about as busy as bees, with their long beards and dingy habits of gray, girded with a rope, superintending the labour of twenty or thirty workmen. In watching their manoeuvres, and commiserating the poor Spaniards, I found a gloomy distraction for all my idle hours.

"The balconies in the front of our fonda offered a gayer view; for it overlooked the wide walk and busy scenes of the Rambla. It was constantly frequented by every variety of people, and in the afternoon was thronged to overflowing. The scene then became animated indeed. There were many well-dressed men and women, evidently the fashion of the place; country people and artisans; French officers and soldiers, moving along with pretty girls hanging on their arms, and each apparently as much at home as though he were in the centre of his own department. There were also students rolled in long black cloaks; their breeches, stockings, and cocked hats, also black, and without even so much as a shirt collar to relieve the gloom of their attire. But the most numerous class of pedestrians were the clergy. Their appearance was grotesque enough; the seculars, canons, curates and vicars, wore frocks of black, concealing their breeches and stockings of the same colour. Over all, they had an ample cloak of black cloth or silk, without a cape, which either hung loosely around them, or was thrown into a graceful fold by placing the right skirt over the opposite shoulder. The hat, however, was the most remarkable object of their dress. It consisted of an immense flat, three or four feet in diameter, turned up at the sides until the two edges met above the crown. It was worn with the long part pointing before and behind; for, had it been carried side-ways, a few would have served to block the Rambla, and render passing impracticable. The best time to convince one's self of the convenience of this head gear is in a gale of wind. Many a severe fit of laughter have I had in Spain, when it has been blowing hard to see a priest coming unexpectedly upon a windy corner and struck by a flaw. One hand is stretched to the front of the long hat, the other to the back of it, as though devotion had prompted a new way of signing the cross; and then his many robes fluttering and struggling to the sad entanglement of the legs, combined to form a figure perfectly ludicrous. Besides the secular clergy, there was a goodly store of monks in black, white, blue or gray, with their fat and unseemly heads shaved bare at the crown and about the neck and temples. A few were worn down and emaciated, as if from fasting, vigils, and maceration, with an air of cold-blooded and fanatic abstraction; the greater part were burly and well-conditioned, with a sensuality engraven on every feature. As they waddled contentedly and self-complacently along the Rambla, they would peer into the mantilla of every pretty girl that passed them, exchanging a shake of the fingers or a significant glance with such as were of their acquaintance. There is no part of Spain where the clergy are more numerous than in Catalonia; for they form more than two per cent. of the entire population. Two men in a hundred, who neither sow, nor reap, nor labour, and who, nevertheless, eat and drink, and luxuriate! The fact is its own best commentary." vol. i. pp. 38-40,

The environs of Barcelona yield silk, wine, oil, flax, wheat, rye, barley, oats, a great variety of valuable fruits, in short, products that would seem to promise a wealth it does not possess. After giving a picturesque description of the city, and a history of its former glories, the book before us thus proceeds:—

“ At length, however, when the discovery of America and the progress of intelligence had revolutionized the public mind, and when the spirit of war and destruction had given place to the spirit of civilization, the Catalans were among the foremost to yield obedience to the change. Barcelona became a vast magazine, where goods of wool and silk, fire-arms and cutlery, with almost every fabric, were prepared for the distant colonies of Spain. The Catalan sailors repaired with these commodities, to every part of America, and adventurers from among the surplus population would be absent a few years, and then return with fortunes to increase the resources and quicken the industry of their native province. Such was Barcelona in former times; her present reverse is a very sad one. Though industry and frugality still characterize the Catalan, yet capital and outlets which give activity to these qualities, are either idle, or no longer exist. The manufactories of cutlery and fire-arms are ruined and forgotten, and the wines and brandies of Catalonia, the cotton and woollen goods, which used formerly to be carried to every corner of the Americas are now either shipped away by stealth or consumed only in Spain. The ships and brigs whose tall mast once loomed like a forest within the mole of Barcelona, are now replaced by a paltry assemblage of fishing boats and feluccas. Even these are not allowed a free communication along the coasts of the Peninsula; nor does Spain even enjoy the pitiful privilege of an interchange of her own productions. Pirates and outcast adventurers of every nation, except Columbia, assuming the easy flag of that country, and the name of patriot rendered loathsome by its wearers, post themselves along the headlands of the Peninsula and pilfer all who pass. Will this state of things last always? Those who believe that the prosperity of one country does not involve the ruin of another, may hope that it will not. Spain must sooner or later sacrifice her prejudices to her interest; and when the Americas shall be independent in name as in fact, the influence of a community of language, manners, and wants will not fail to assert itself. The spirit of enterprise, smothered, but not extinct among the Catalans, will revive, and Barcelona may again resound to the rattle and clank of the loom and the hammer.” vol. i. pp. 47–49.

After entering Spain the diligences are drawn by mules, which are preferred to horses, as they are more sure-footed, eat less and coarser food, labour more, and endure heat and hardship better. The females, on account of their superior beauty and docility, are preferred for draught, while the male is condemned to drudgery. We had, heretofore, thought that the donkey in

Hadji Baba was the only one of the asinine tribe ever submitted to the barber's hands, but we find that the Spanish mules, the better to enable them to stand the heat, are neatly shaven, except a few symmetrical stripes, and a tuft on the tail, much in the manner that shaggy lap-dogs are sometimes shorn with us.

The road onwards, towards Tarragona, exhibited, every where, abundant evidences of industry and poverty.

"When the day-light came, and the sun at length rose into a spotless sky, I looked with pleasure upon the varied scene around me. Our road, though it followed the general outline of the sea-coast, and commanded occasional vistas of the Mediterranean, sometimes struck into the interior to avoid a head-land, and thus gave an insight into the character and cultivation of the country. From my first entrance into Spain till my arrival at Barcelona, I had seen ranges of mountains constantly rising in the interior of the neighbouring Pyrenees; but the same state of things now continued to fix my attention. The land soared upwards as it receded from the sea; ridges overlooking ridges, and I found what, indeed, I have every where found in Spain, a broken country, and a constant succession of mountains. These, however, do not baffle the efforts of the cultivator. Many of them were covered with forests of cork trees, orchards of olive, or furnished pasture to goats and sheep, while the hill sides, declining towards the sea, were spread out in vineyards or grain-fields, now no longer verdant. The wine here raised, is much esteemed in the country, and Villafranca, through which we passed at seven in the morning, produces a malvoisie or chian of some celebrity. The population was, every where, busy in ploughing the fields, and in laying the foundation of a future harvest. The spirit of industry seemed strong; and yet there were not wanting appearances of a pervading poverty. The implements of husbandry were ill contrived, and rudely made; and the plough, instead of making a regular and rapid furrow, went forward crookedly and slowly, and seemed to linger in the soil. It was drawn sometimes by mules or oxen, sometimes by meagre cows; and I once saw a poverty-stricken peasant, rolled up in a tattered blanket and pushing his plough through an ungrateful looking field, with no better assistance than an ass and a cow. The scene was a characteristic one, and as I looked upon the gaunt form and wasting figure of the poor peasant, as he struggled for the bread that was to meet the cravings of his hungry family, I could not avoid the conclusion that he must be kept poor by some unfriendly participation in the fruits of his labour; that he must be toiling to pay the pageantry of some degenerate noble in Madrid, or to fatten and sensualize the monks I had seen rolling along the Rambla of Barcelona." vol. i. pp. 54, 55.

An English stage-coach or a French diligence is a humdrum matter enough, but travelling in Catalonia has more life and spirit if not quite as much convenience.

"The manner, too, in which these Catalans managed their mules was quite a study. The zagal kept calling each by name, and apparently endeavouring to reason them into good conduct, and make them keep in a straight column, so as not to rub each other with their traces, and draw each his share of the burthen. I say he called them by their names; for every mule in Spain has its distinctive appellation, and those that drew our diligence were no exceptions. Thus, beside Capitana, we had Portuguesa, Arragonessa, Coronela, and a variety of other cognomens, which were constantly changing during the journey to Valencia. Whenever a mule misbehaved, turning from the road or failing to draw its share, the zagal would call its name in an angry tone, lengthening out the last syllable and laying great emphasis on it. Whether the animals really knew their name, or that each was sensible when it had offended, the voice of the postillion would usually restore order. Sometimes, when the zagal called to Coronela, and Portuguesa obeyed the summons by mistake, he would cry sharply 'A quella otra!' 'That other one!' and the conscience-stricken mule would quickly return to its duty. When expostulation failed, blows were sure to follow. The zagal would jump to the ground, run forward with the team, beating and belabouring the delinquent; sometimes jumping upon the mule immediately behind it and continuing the discipline for a half hour together. The activity of these fellows is, indeed, wonderful. Of the twenty miles, which usually compose a stage, they run at least ten, and, during part of the remainder, stand upon one foot at the step of the diligence. In general the zagal ran up hill, flogging the mules the whole way, and stopping occasionally at the road-side to pick up a store of pebbles, which he stowed in his sash, or more frequently in his long red cap. At the summit he would take the mule's tail in his hand and jump to his seat before the descent commenced. While it lasted, he would hold his cap in one hand, and with the other throw a stone, first at one mule, then at another, to keep them all in their proper stations, that the ropes might not hang on the ground and get entangled round their legs. These precautions would not always produce the desired effect; the traces would sometimes break, or become entangled, the mules be brought into disorder, and a scene of confusion follow. This happened several times in one stage, when a vicious mule had been put among the team to be broken to harness. It was, indeed, an obstinate and perverse animal and even more stupid than perverse. It would jump first to one side, then to another, and kick the ribs of its neighbour without mercy. When, at length, it had succeeded in breaking its own traces, and entangling its legs into those of its companions, it would stand as quiet as a lamb until the damage was repaired, and then renew the same scene of confusion. Nor did the more rational mules behave themselves much better. They would start to one side when the zagal cried out '*Arre!*' and when he whistled for them to stop, they would sometimes go the faster. If one had occasion to halt, the rest would not obey the hissing signal of the postillion, but drag the reluctant animal forward; and presently after, the mule which had been most unwilling to stop would be itself taken with a similar inclination, and receive similar treatment from its comrades; where-

as the horses of a French diligence would all have halted sympathetically, at the invitation of the driver. I hate a mule most thoroughly, for there is something abortive in every thing it does, even to its very bray. An ass, on the contrary, has something hearty and whole soul about it. Jack begins his bray with a modest whistle, rising gradually to the top of his powers, like the progressive eloquence of a well adjusted oration, and then as gradually declining to a natural conclusion ; but the mule commences with a voice of thunder, and then, as if sorry for what he has done, he stops like a bully when throttled in the midst of a threat, or a clown, who has begun a fine speech, and has not courage to finish it." vol. i. pp. 58-60.

Before entering Spain, our traveller had been warned of the frequency and boldness of robberies ; but heretofore he had escaped with a sound body and full purse. After leaving Amposta he had his first sample of the descendants of Captain Rolando, much degenerated, however, in courtesy from even the brigand of Le Sage. The diligence was rolling on rapidly in the night, and the young American was pleasantly dreaming of his own distant country and friends.

" This pleasing deception had not lasted long, when the noise of the hoofs and bells of our mules, and the clattering of the wheels were silenced. The rapid progress of the diligence ceasing suddenly, and my body, which it had kept snug in the corner, still retaining its momentum, was thrown forward with my head against the pannel. I was now awake, but as if loth to relinquish so pleasing a dream, I at first fancied myself arrived at the end of my journey. The delusion was but momentary. There were voices without, speaking in accents of violence, and whose idiom was not of my country. I now raised myself erect on my seat, rubbed my eyes, and directed them out of the window.

" By the light of a lantern that blazed from the top of the diligence, I could discover that this part of the road was skirted by olive trees, and that the mules, having come in contact with some obstacle to their progress, had been curtailed of their open column, and brought together in a close huddle, where they stood as if afraid to move, with pricked ears and frightened, gazing upon each other in dumb wonder at the unaccused interruption. A single glance to the right hand gave a clue to unravel the mystery. Just beside the fore-wheel of the diligence stood a man dressed in that wild garb of Valencia, which I had seen for the first time in Amposta. His red cap was drawn closely over his forehead, reaching far down the back, and his striped manta, instead of being rolled round him, hung unembarrassed from one shoulder. Whilst his left leg was thrown forward in preparation, a musket was levelled in his hands, along the barrel of which his eye glared fiercely upon the visage of the conductor. On the other side, the scene was somewhat different. Pepe being awake when the interruption took place, was at once sensible of its nature. He had abandoned the reins, and jumped from his seat to the road side, intending to escape among the trees. Un-

happy youth, that he should not have accomplished his purpose! He was met by the muzzle of a musket when he had scarce touched the ground, and a third ruffian appearing at the same moment from the treacherous concealment of the tree towards which he started, he was effectually taken and brought round into the road, where he was made to stretch himself out upon his face, as had already been done with the conductor.

"I could now distinctly hear one of these robbers—for such they were—inquire in Spanish of the mayoral as to the number of passengers he had brought; if any were armed; whether there was any money in the diligence; and then, as a conclusion to the interrogatory, demanding '*La bolsa!*' in a more angry tone. The poor fellow did as he was told. He raised himself high enough to draw a large leathern purse from an inner pocket, and stretching his hand upward to deliver it, he said, '*toma usted caballero, pero no me quita usted la vida!*' or 'take it, sir, but leave my life!' Such, however, did not seem to be the robber's intention. He went to the road side, and bringing a stone from a large heap which had been collected to be broken and thrown on the road, he fell to beating the mayoral upon the head with it. The unhappy man, when thus assailed, sent forth the most piteous cries for *misericordia* and *piedad*; he invoked the interposition of *Jesú Christo, Santiago Apostol y Martir, la Vergen del Pilar*, and all those sainted names, which being accustomed himself to hear pronounced with awful reverence, were most likely to prove efficacious in arresting the fury of his assassin. But he might as well have asked pity of the stone that smote him, as of the wretch to whose fell fury it had furnished a weapon. He struck, and struck again, until becoming at length more earnest in the task, he laid his musket beside him, and worked with both hands upon his victim. The cries for pity which blows had first excited, blows at length quelled. They had gradually increased with the suffering to the most terrible shrieks, and when this became too strong to bear, it worked its own cure. The shrieks declined into low and inarticulate moans, which, with a deep-drawn and agonized gasp for breath, and an occasional convulsion, alone remained to show that the vital principle had not yet departed.

"It fared no better, nay, even worse with Pepe, though instead of the cries for pity, which had availed the mayoral so little, he uttered nothing but low moans that died away in the dust beneath him. One might have thought that the youthful appearance of the lad would have ensured him compassion. But the case was different, the robbers were doubtless of Amposta, and being acquainted with him, dreaded recognition; so that what in almost any situation in the world would have formed a claim to kindness, was here his greatest misfortune. When both the victims had been rendered insensible, there was a short pause, and a consultation followed in a low tone between the ruffians; and then they proceeded to execute the further plans which had been concerted between them. The first went round to the left side of the diligence, and having unhooked the iron shoe and placed it under the wheel as an additional security against escape, he opened the door of the in-

terior, and mounting on the steps, I could hear him distinctly uttering a terrible threat in Spanish, and demanding an ounce of gold from each of the passengers. This was answered by an expostulation from the Valencian store-keeper, who said that they had not so much money, but what they had would be given willingly. There was then a jingling of purses, some pieces dropping on the floor in the hurry and agitation of the moment. Having remained a moment in the door of the interior, he did not come to the *cabriolet*, but passed at once to the *rotunda*. Here he used greater caution, doubtless from having seen the evening before at *Am-posta* that it contained no women, but six young students who were all stout fellows. They were made to come down, one by one, from their strong hold, deliver their money and watches, and then lie down flat upon their faces in the road. Meanwhile, the second robber, after consulting with his companion, had returned to the spot where the *zagal* *Pepe* lay rolling from side to side. As he went towards him he drew a knife from the folds of his sash, and having opened it, he placed one of his naked legs on either side of his victim. Pushing aside the jacket of the youth, he bent forward and dealt him many blows, moving over every part of the body, as if anxious to leave none unsaluted. The young priest, my companion, shrunk back into his corner, and hid his face within his shivering fingers; but my own eyes seemed spell-bound, for I could not withdraw them from the cruel spectacle, and my ears were more sensible than ever. Though the windows at the front and sides were still closed, I could distinctly hear each stroke of the murderous knife, as it entered its victim. It was not a blunt sound, as of a weapon that meets with positive resistance; but a hollow hissing noise, as if the household implement, made to part the bread of peace, performed unwillingly its task of treachery. This moment was the unhappiest of my life; and it struck me at the time that if any situation could be more worthy of pity than to die the dog's death of poor *Pepe*, it was to be compelled to witness his fate, without the power to raise an arm of interposition.

"Having completed the deed to his satisfaction, this cold-blooded murderer came to the door of the *cabriolet*, and endeavoured to open it. He shook it violently, calling us to assist him; but it had chanced hitherto, that we had always got out on the other side, and the young priest, who had never before been in a diligence, thought, from the circumstance, that there was but one door, and therefore answered the fellow, that he must go to the other side.

"On the first arrival of these unwelcome visitors, I had taken a valuable watch which I wore, from my waistcoat pocket, and stowed it snugly in my boot; but when they fell to beating in the heads of our guides, I bethought me that the few dollars I carried in my purse might not satisfy them, and replaced it again in readiness to be delivered at the shortest notice. These precautions, however, were unnecessary. The third ruffian, who had continued to make the circuit of the diligence with his musket in his hand, paused a moment in the road ahead of us, and having placed his head to the ground, as if to listen, presently came and spoke in an under tone to his companion. The conference was but a short one. They stood a moment over the *mayoral* and

struck his head with the butts of their muskets, whilst the fellow, who had before used the knife, returned, to make a few farewell thrusts, and in another moment they had all disappeared from around us." vol. i. p. 75-80.

We should have thought this adventure sufficient to damp the ardour of a common traveller ; but the Lieutenant no ways discouraged, kept sturdily on. He was afterwards robbed a second time near Madrid, and he was informed that the same thing might occur in any part of Spain. Indeed, the number of crosses by the road side, showed the frequency of murders on the highway. In the very capitol, the danger is as great as in the provinces. Often robbers enter, at mid-day, houses left alone with females, and after tying the affrighted inmates, rifle most leisurely whatever suits them, without fear of interruption, nor can a family be easily found, who has not suffered once, at least, from these unwelcome visitations. But little exertions seem to be made either by government or individuals, to bring the offenders to justice. In many instances, too, it may be doubted whether the public functionaries are not on a very good understanding with the outlaws they are appointed to suppress. Amid this state of things it may well be imagined, that there can be little travelling or internal commerce, and that the owner of riches is not very anxious by either word or action, to indicate to the community what may expose his life to hourly danger.

To examine on a map, the route pursued by our traveller, it looks as zigzag as Commodore Trunnion's land-sailing in *Pe-regrine Pickle* ; but the mail-stage afforded none more direct to Madrid. We would willingly extract some of his descriptions of the beautiful groves of *Aranjuez*, the *Escorial* and *St. Ildefonso*, or his spirited sketches of his master of languages, his landlord and *Donna Florencia*, but our space warns us to be more sparing. At first, he lodged in the best hotel of Madrid, though as comfortless and inelegant as the one before described at *Barcelona*. He afterwards took lodgings with the family of an old gentleman, who owned a reading-room for the two greatest Spanish newspapers, the *Diario* and *Gaceta*, of which we have the following description :

" Let us pause to take breath during this tedious ascent up three pair of stairs, and profit by the interval to say something of the *Diario* and *Gaceta*, which so greatly occupied the attention of the politicians below, and which contain, the first, all the commercial information of the Spanish capital; the second, all the literary, scientific, and political intelligence of the whole empire.

" The *Diario* is a daily paper, as its name indicates. It is printed on a small quarto sheet, a good part of which is taken up with the names



of the Saints who have their feast on that day ; as, *San Pedro Apostol y Martir*, *San Isidoro Labrador*, or *Santa Maria de la Cabeza*. Then follows an account of the churches, where there are to be most masses, what troops are to be on guard at the palace, gates, and theatres. Next the commercial advertisements telling where may be purchased Bayonne hams and Flanders butter, with a list of wagons that are taking in cargo and passengers for Valencia, Saville, or Corunnia, and the names and residence of wet nurses, newly arrived from Asturias, with fresh milk and good characters.—The *Gaceta* is published three times a week, at the royal printing office, on a piece of paper somewhat larger than a sheet of foolscap. It usually begins with an account of the health and occupation of their majesties, and is filled with extracts from foreign journals, culled and qualified to suit the region of Madrid ; with a list of the bonds of the state creditors which have come out as prizes, that is, as being entitled to payment by the *Caja de Amortizacion*, or sinking fund ; with republications of some old statute, condemning such as neglect to come forward with their tithes to the infliction of the *bastinado* ; or with an edict against freemasons, devoting them to all the temporal and spiritual curses which the throne and altar can bestow—death here, and damnation hereafter." vol i. pp. 148, 149.

We cannot finish this extract without giving also a note of the author, which will give our readers a complete idea of the state of literature and stupid bigotry in Spain at the present time.

"I forget whether it was from the *Diario* of Madrid or of Barcelona that I took the following singular heading in relation to the religious ceremonies of the day. 'To-morrow, being Friday, will be celebrated the feast of the glorious martyr, San Poncio, advocate and protector against bed-bugs—*abogado contra las chinches*. There will be mass all the morning, and at seven o'clock will take place the blessing of branches and flowers, in honour of the aforesaid Saint.' The branches and flowers thus blessed are doubtless found efficacious in preserving houses from these troublesome tenants, and so form a convenient substitute for the troublesome care of cleanliness." *Note*. vol. i. p. 149.

The two journals of Madrid may serve as an index for the whole kingdom. Many large cities are entirely without presses. Barcelona with a population of a hundred thousand has nothing in the shape of a newspaper, except a little diary "as big as your two hands," containing the state of the weather, a marine list, and a few commercial advertisements. Until lately, many books and of splendid execution, appeared in Valencia ; but at present nothing issues from her presses but a few devotional works or translations of French novels. The standard literature when reprinted, is as carefully emasculated by monkish censors as the singers in their cathedrals.

To those who vaunt the superior salubrity of cold climates, we recommend a perusal of the observations in the work before us on the climate of Madrid—which will, in fact, apply with little modification to all countries that have a pretty severe winter. The Southern States during three-fourths of the year, are almost exempted from disease, and even during the summer months the prevailing fevers are manageable, compared with the pleurises and consumptions of more northern regions.

“I have said that the climate of Madrid was healthful in the extreme. This, however, like every general rule, has its exception. There is in winter a prevailing disease called pulmonia, which carries the healthiest people off, after four or five days illness.

\* \* \* \* \*

“The Madrilenios have a mortal dread of a still cold air which comes quietly down from the mountains, and, which they say, ‘*Mata un hombre, y no apaga una luz*,’ ‘kills a man, and does not put out a candle.’ In such weather you see every man holding the corner of his cloak, or a pocket handkerchief to his mouth, and hurrying through the streets, without turning to the right hand or the left, as though death, in the shape of a pulmonia, were close upon his heels. For myself, I never felt the cold more sensibly. It seemed to pierce my clothes like a shower of needles, and I found there was no way of excluding it, but to get myself a cloak as ample as John Gilpin’s, and roll myself up in it, until I became as invisible as the best of them.” vol. i. pp. 162–163.

It would appear too, from other parts of his work, that fevers, probably from the malaria of a half cultivated country, are frequent, and that blindness is very common in Madrid.

While living at Madrid, Lieutenant Slidall made excursions to the environs, particularly to the palaces of Aranjuez and the Escorial, which by their magnificence amidst the surrounding misery, affords the best commentary on institutions that force a whole people to toil to support the indolence, luxury and caprices of one individual. Leaving the capital he visited the once splendid and oppulent Toledo. Our author gives a most melancholy account of the decay of this magnificent city, and forcibly contrasts her present poverty, misery and degradation with her greatness under the Arab domination. Nor is this account confined to Toledo; it is again the history of Cordova, of Seville, of indeed nearly every city of Spain, not only do they exhibit a diminished population, but the appearance of most squalid wretchedness. Beggars are to be seen by scores in the streets, at the church doors, at every corner, under aspects of misery too real to be doubted. We will give only one extract as to the desolate appearance of the country.

"The second night of our journey was passed at Carmona, which is situated upon the pinnacle of a mountain, overlooking a rich and varied view of the valley of the Guadalquivir. This city was quite famous under the Romans, and was for a short time the capitol of one of those petty kingdoms which sprung up in the decline of the Arabian domination. Beside Ecija and Carmona, we met but a few villages, between Cordova and Seville, and no solitary farms, nor houses, other than the public ventas. Though the soil was every where fertile and capable of nourishing a numerous population, yet it was in general very imperfectly cultivated, and often abandoned to the caprice of nature. Nothing can be more painful than to behold this country which rose to such a high degree of prosperity under the Romans and Arabs, now so fallen, so impoverished. The principal source of this depopulation may be found in the division of property; nearly the whole country being owned by large proprietors, to whose ancestors, it was granted at the time of the conquest. Hence the soil has to support, not only the labourer who cultivates it, but likewise the idle landlord, who lives at court, and contributes nothing towards the business of production. They who preach the preservation of families and estates, and deprecate the unlimited subdivision of property, should make a journey to Andalusia. Other causes are found in the odious privileges of the *mesta*, in the exorbitance of the taxes, and in the vexatious system in raising them; in the imperfect state of internal communications, and in the thousand restrictions which check circulation at every step. Not to mention the clergy, the convents, and the robbers, have we not already causes enough of ruin and desolation?" vol. ii. pp. 139, 140.

We have, no doubt, that the observation as to the division of property is perfectly correct, and that all the evils that some late writers have found in a minute division of landed property, are in fact to be traced to other causes. Leave industry untrammelled by governmental restrictions, and all difficulties on the subject will vanish. He who cannot make his bread on a small farm, will turn his attention to something else, or will emigrate.

In our extracts, we have had the moral condition of Spain principally in view, and we could have added many more to finish the picture of national misery and degradation. In every province it is but the repetition of the melancholy story; impassable roads, unskilful and unscientific agriculture, manufactures destroyed, commerce expiring, education neglected, robberies committed in midday, justice apathetic or corrupt, and bigotry and malaria spreading wider and wider over the moral and physical waste. Yet under a favourable system of police, Spain ought to be one of the wealthiest countries in Europe; possessing numerous ports on two seas, intersected by large rivers, with a fine climate, a great extent

of rich soil and varied valuable product. The Province of Valencia alone comprising an area of eight thousand square miles, that is, one-third of the size of South-Carolina, has produced as far back as 1782, nine millions a year in silk, hemp, flax, wool, rice, oil, wine and fruits, without counting corn, soda, salt and the fisheries.\* To what then is the poverty of the nation to be attributed? According to Mr. Clay, in his great tariff-speech, Spain exhibits a striking proof of the calamities which attend a State that abandons the care of its domestic industry. Happy, indeed, would it be for that country did she abandon the care of domestic industry to those who live by it, and have the greatest interest in its success! A Spanish writer, Jorebanos, who, for his good sense, clearness and apt illustration, deserves to be more generally known, has taken for the title of his work "Identity of the general interest with individual interest," and shows most clearly that the desolation and misery of his native land, have entirely arisen from the government's officiously thwarting individual exertion. The exportation of various articles was forbidden. To a country owning the mines of America the lucrative trade of China was cut off because silver could not leave the country. Did the farmer make an abundant crop of wheat, it often remained valueless from the same cause. There were, besides, monopolies of salt, tobacco, gunpowder, &c. To encourage the growth of wool, the tyrannical regulation of the *mesta*, by which thousands of sheep had, on their route, the privilege of pasturing on every man's land, from the south to the north of the kingdom. In short, the history of Spain is one incessant history of governmental intermeddling, and although something may be attributed to high and injudicious taxation, yet the principal cause is to be found in the vexatious and ever changing restrictions and regulations of monopolies. Catalonia was exempted from the restrictions which pressed on the rest of Spain,† and exhibited in her comparative prosperity, the blessing of simply being "let alone." The Spanish American colonies also furnished striking illustrations of the effects of the restrictive and free trade systems as alternately adopted by the mother country. The colonists were forbidden, under severe restrictions, from raising flax, hemp and saffron, from cultivating the vine, the mulberry-tree and the olive, in the climates destined for them by nature. They were not permitted to distil. Their looms were burnt. Commerce was interdicted with foreigners under pain

\* Zimmerman's State of Europe. London, 1787.

† Brougham, Col. Pol. v. i. 402.

of death. For more than a century all vessels intending to sail for America were examined at Seville, and were obliged to return to the same port. The consequence of this was, not less than two or three hundred per cent. on goods until lowered by contraband trade. The court of Madrid, to put an end to this trade, after many ineffectual attempts, gave the whole monopoly of these provinces to what was called the *Guiapuscoa Company*, which furnished goods at moderate prices, and took colonial produce in return. The effects of this company on Caracas, of which it obtained the exclusive trade in 1742, will exemplify its general operation. Numerous villages sprung up, places before covered with immense forests and unhealthy marshes, teemed with the riches of agriculture, the quantity of exports doubled, and new articles of export were added. In short, every thing prospered until the integrity of the company was diminished.

In 1778, Galvez, the Indian minister at Madrid, established what was called the 'free trade,' for as Humboldt observes in affairs of commerce as well politics *freedom* expresses merely a relative idea—an observation of which the Southern States feel the full force. By royal edict, thirteen of the principal sea-ports of Spain were permitted to trade with the American colonies. The commerce between the two countries immediately became more extensive; the exports from America in the course of a year nearly doubled, and those from Spain amounted to five times the usual quantity, the contraband trade was destroyed, for no one will smuggle when the profit is little, and the risk of detection considerable;—wine and fruits were sent more abundantly to the colonies, and the mother country received in return productions unknown to her before; coffee, tobacco, sugar, &c. which were formerly received in small quantities, became plentiful and common. Not only wealth flowed into the provinces from the 'free trade,' but civilization and a love of literature, science and the fine arts sprung up in the principle towns.\*

Some minor influences might be cited. The power of a bigoted clergy, that by the sword and faggot diminishes the number of christians while it multiplies that of hypocrites, not only effectually banishes foreign enterprise, but checks every effort at mental developement that exceeds the narrow measure of monkish capacity.

In 1827, to give a late specimen of the existence of the middle ages, in spite of the march of intellect, we give the follow-

\* See Bonnycastle's *South-America*; Humboldt's *New-Spain*, &c.

ing : " The archbishop of Toledo has published an ordinance ' which forbids (*met a l'index*) nearly all kinds of books, except ' prayer books. Every writing in a foreign language, every ' translation of a foreign work, all the French and English jour- ' nals are ruthlessly prohibited in a body, by his eminence, who, ' as to the journals, is not contented with this in his ordinance ; ' for he moreover forbids, under pain of excommunication, their ' introduction into the reading-room established sometime ' since, and, besides, the perusal of the works of Llorente, ' of Sampere on the revenues of the Spanish church, and even ' the translation of David's psalms, published last year, and ' dedicated to the king. Our ministers of foreign affairs, ' at the request of the archbishop of Toledo, has desired the ' members of diplomatic corps not to lend the journals they re- ' ceive from their own country."\*

What must be expected of a country closed to the works of Malthus, Bentham, Say, Sismondi and Tracy, even to the poetry of Byron, and novels of Scott ! and what has been the effect but a constant increase of vice and crime. Among the causes tried in 1826, were 1233 homicides, 13 infanticides, 5 poisonings, 16 suicides, 4 duels, 1778 serious wounds, 52 rapes, 144 public incontinences, 369 insults, 2763 blasphemies, 56 conflagrations, 1620 thefts, 10 counterfeitings of money, 45 forgeries, 640 abuses of confidence and malversations, 10 prevarications, 2782 different outrages.—167 accused were condemned to death, 55 to flogging and the pillory (exposition,) 4960 to public labour, 479 to serve in the army or navy, 40 to loss of their places, 7038 to fines and reprimands. To conclude, 194 were pardoned, and 1552 acquitted, or their cases discharged. In adding up the number of those condemned to the punishments mentioned, comprising the pardoned who are to be numbered with the guilty, we have a total of 12,933 in a population somewhat above eleven millions !† Hard must it have been to reduce to this degree of depravity a nation still exhibiting extensively dignified and urbane manners, sterling probity, courteous gallantry to the fair sex, gallant daring and noble independence among the men, and tenderness amiability and truth among the women.

The immense incomes of the king, nobility and clergy have a most injurious effect on the distribution of wealth, which is retained, or is scattered abroad in a manner that never benefits the labouring classes entirely at the whim of its possessor—one

\* Rev. Encyclop. vol. xxxv. p. 235.

† Ibid. vol. xxxvii. p. 283.

moment lying inactive in the coffer, the next squandered on cooks, singers and strumpets.\* It is not one of the least advantages of our republican institutions, that few have incomes beyond their wants, and that there is a constant and natural flow of wealth through the community. Even when the privileged orders attempt to encourage industry, it is more according to their varying notions than to real and enduring wants of the people, and are thus frequently temporary benefits followed by substantial evils. When, for instance, a band of architects, sculptors, painters and masons have finished such a work as the Escorial, or a few palaces of nobility, they are turned forth without occupation. When, on the contrary, certain trades and professions arise from the tastes or wants of a people at large, a steady employment is given or the decrease of employment is gradual.

Still the causes of decay just mentioned, are nothing in comparison with the restrictions on commerce. With open ports, commerce would soon awaken agriculture and manufactures, and with these, wealth would necessarily increase. Wealth would spread abroad a degree of civilization and education among the people, that would shake the despotism of an absolute monarch, the oppressive privileges of the nobility, and the withering away of a benighted priesthood.

Many are the delightful and lofty images that glitter before the imagination at the very mention of the name of Spain. We remember the by-gone glories of the Moors who covered every hill and valley with fertility, and amid a gothic age, showered abroad an elegance in arts, and polish in literature, that is still seen in the majestic ruins of the Alhambra, and in the pathetic ballads that celebrate the charms, or bid an eternal adieu to Grenada. We remember it as a land of sunshine and flowers, peopled by knights and troubadours. Nor less do we call to mind the brilliant period after Columbus had given a new world to the kingdoms of Castile and Leon, the wealth, the power, the magnificence attached to the Spanish name, when her armies, bade defiance to Europe, and her sails were seen on every sea, when St. Ildefonso, the Escorial and Aranjuez seemed but the meet abodes of the mighty monarchs of a mighty people. We cannot remember what Spain has been, without sorrow for her present condition and ardent hopes for the future. Our hopes will not be frustrated, for she yet contains elements of greatness easily developed. Her fertile soil and

\* We have often thought that M'Culloch's notion of absenteeism might be answered by one question. Suppose the landlord were to bury his rents as soon as received what would be the effect?

benignant climate are still the same. The lofty national character is obscured, but not extinguished. The genius of the age has but to cross the Pyrenees, and the old Castilian spirit will awake, commerce will whiten the numerous ports from the Atlantic to the Balearic Isles, and agriculture carpet the soil from the rocky steeps of Arragon to the beautiful vallies of Andalusia.

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ART. VII.—*The Young Duke.* “*A Moral tale, though gay.*”  
By the author of Vivian Grey. In 2 vols. 1831.

THIS novel, as it is called, is attributed to Mr. D’Israeli, son of the gentleman who, some years ago, published some volumes of entertaining Anecdotes, compiled from sources not often in the hands of general readers.

The present work is a fictitious account of the Duke Fitz James, from his school-boy days, till his sober settlement in the world, comprising a long series of wanton waste of time, opportunity, and wealth, until his reformation and marriage—shewing how he was an idle and spendthrift school-boy, a riotous, dissipated, disorderly student at college; a traveller on the continent for a few years till he returned with no valuable acquisition but the externals of politeness, and a taste in dress. On coming of age, he became entitled, through the prudence of his guardian, Mr. Dacre, a respectable country gentleman, though a man of the world, in the most valuable and honourable sense of the term, to about half a million sterling, and estates of above fifty thousand a year. In about two years, by extravagance in building, by luxurious entertainments, by the aid of an Italian female singer, by the jockeys at New-Market, and the vulgar rogues of a gaming-table, by an intrigue with a married woman, and by every possible kind of vicious, foolish and fashionable dissipation, he contrives to run through his half million, and becomes an insolvent debtor to his banker.

After having treated his respectable guardian with the most culpable neglect—after having been twice rejected by the beautiful and spirited Miss Dacre, he at length finds grace in the eyes of this fair one, and by sales of his superfluous establishments, with the aid of a portion of 100,000 pounds given with her, by her



father. On his marriage with this daughter of his guardian, he becomes released from his creditors, and retires, as a respectable peer and country gentleman, with his fifty thousand a year income. Such is the amiable hero of this novel, and such is the moral justice with which he is treated. His merits are confined to good temper, and constitutional kindness, with something like talent.

There is the usual tone of affected familiarity with the finery, the luxury, the gormandise, and the various forms of extravagance and dissipation of persons of fashion in England; with their unprincipled and immoral manners; the debaucheries of males and of females; the disregard of family attachments and family duties; and the base motives of unqualified self-interest that rule so much of their conduct. We know not whether all this be a true picture of the majority of the class—we hope not, and are strongly inclined to believe that it may be somewhat exaggerated. But allowing much for exaggeration, it is a picture most revolting. To be sure the vice of the present day is not quite so gross as the manners of the court of the Regent Duke of Orleans, but it is still most barefaced and disgusting. No honest observer can doubt for a moment that it is the natural, necessary result of exorbitant wealth, enabling its possessor to indulge habitually in practices the most reprehensible, and to set at open defiance the opinion of every part of the public but that which belongs to what is called the fashionable world.

The debaucheries of the Regent of Louis XIV and XV were bad enough, but they could not be more barefaced and profligate than the conduct of the last king of Great-Britain, George IV.

The work before us suggests to the mind of the reader, the accumulation, and wasteful expenditure of enormous sums, in the most useless and trifling articles of ornamental expense; while the poor, from whose labour these sums are obtained, are starving by millions all around. There are 1600 men of wealth now in England, who can afford to pay off the national debt of 850 millions sterling. There are noblemen, whose incomes approach to 1000 pounds sterling per day; there are at least three millions of human beings, whose labour contributes to support and supply these incomes, unable to count with certainty upon their next day's meagre meal; and who live upon a very scanty portion of the common necessities of life, earned by the actual daily labour of twelve hours out of fourteen.

Our readers must not suppose that any obvious reflections of this radical character contaminate the fashionable pages of the

volume which serves as a text book for our present homily. There is very little of useful, or natural remarks throughout the book. The hero of the novel, is polite, good tempered, and careless of money, of which he seems to know not the use or the value. This thoughtless spendthrift disposition is to pass for generosity. The picture given of the aristocracy and their mode of life, excites strong disapprobation indeed, as it is well calculated to do, but the general air and tone of the narration, would lead us to conclude, that the scenes depicted, are the usual, natural, and very venial faults of what is called high-life.

These unwieldy incomes are the result of primogeniture, acting for half a dozen generations upon feudal donations, upon the salaries of overpaid officers of trust, of various kinds, on sinecures, pensions, lucrative jobs and employments, and well paid places under government, of all descriptions. These incomes are streams abundantly supplied from the great main-spring of taxation. This taxation is contrived to bear heaviest on the poor, as all indirect taxation is sure to do; for to be productive, it must be laid upon articles of the most extensive and most inevitable consumption. It is the taxation of the many for the benefit of the few. Every war that increases the burthens of the poor and middling classes, produces a plentiful crop of wealthy aspirants to aristocratical distinction, whose parents were either successful peculators or speculators, or both, during the wanton waste of war-expenditure. All these classes of men, *fruges consumere nati*, exist in fact upon the labour of the operatives and producers; whose exertions are put into requisition so extreme in millions of instances, that the powers of life are scarcely able to support the combined wear and tear of paid work and hard living. To fill up the contrast more perfectly between the mode of living of the wealthy and that of the poor, let us consider some of the facts relating to the manufacturing population more particularly. During the course of the present year, a small pamphlet has been published in England, entitled "An inquiry into the state of the manufacturing population, and the causes and cure of the evils that oppress it." The writer tells us he is himself extensively engaged in manufactures, and therefore not to be suspected of a wilful exaggeration of the evils he laments. His observations have principally in view the *cotton manufacture*, as it exists in the towns of Manchester, Bolton, Blackburn, Rochdale, Stockport, &c.; places, which as seats of the cotton manufacture of Lancashire, are to ourselves, personally well known, from frequent and ocular observation of the manufactories in all the places above enumerated.

Dr. M'Culloch speaks favourably of the health of manufacturers, from the proportion of deaths among them, being smaller than in agricultural districts. This is owing to the comparative difficulty of obtaining medical assistance in a country population comparatively sparse, and the prevalence of acute disorders among agricultural labourers, by which life is suddenly abridged; but those who survive, enjoy a state of health and vigorous sensation, owing to the nature of their pursuits in the open air, far greater than a manufacturer ever experiences; whose life is in fact one lingering disease, amid all the medical aid that the charitable feelings of his neighbours so abundantly supply. In Manchester, as in Lyons, a third generation of manufacturers is hardly known.

The author of this pamphlet enumerates among the prevailing disorders, dyspepsia, gastritis, gastralgia, epilepsy, varicose enlargements of the veins, ulcers of the lower extremities; always ill-conditioned, owing to the want of good air, defect of wholesome food, want of attention to cleanliness, depression of spirits, and frequent recourse to stimulating liquors. To these may be added, neuralgias of every kind, and typhoid forms of all the diseases to which they are subject, and the tribe of non-descript disorders that incessantly prey on their health and their spirits, from long and wearisome occupation in an atmosphere loaded with effluvium.

"The fourth cause of ill health, (says the writer) which prevails among the manufacturing population, may be traced to the injurious influence which the weakened and vitiated constitution of the women has upon their children. They (the women) are often employed in factories some years after their marriage; during pregnancy, and up to the very period of their confinement; which all who have attended to the physiology of the subject, know, must send their offspring into the world with a feeble and unhealthy frame; which the circumstances of their infancy are but ill calculated to renovate. Hence, when the children begin to work themselves, they are prepared at once to succumb to the evil influences by which they are surrounded."

This improper employment of the mothers, leads to all kinds of neglect of their offspring; producing bowel complaints, bronchitis, and hydrocephalus, that carry off the infant population in great numbers, and tend to debilitate the constitutions of those who survive. The hours of labour in a cotton-mill are from 6 in the morning to 8 at night, making twelve hours of actual work. When the operative comes home, exhausted by such long fatigue, he has no time, or spirits, or inclination to attend to any domestic concern; he is fit only for sleep or sensual in-

dulgence; and feels too often a desire not to be resisted, to recruit his debilitated frame by the stimulus of liquor. No day's work of a human being ought habitually to extend beyond 12 hours *at the utmost*, with two full hours of the twelve dedicated to meals and rest. Between the capitalists, in the cotton manufacture, and the labourer he employs, there is no personal intercourse, no community of feeling or of interest. The master's head is always at work to discover how he can get his business done cheaper; and the result is almost always at the expense of the labourer. To be sure, these men sometimes revolt, and combine; but what can a combination of poverty effect against the resources of wealth? All this relates to the cotton manufacture, which absorbs the labour of *four millions* of people. The operatives of Birmingham, Sheffield, Staffordshire, Norwich, the iron works of Wales, Lancashire, and Staffordshire, the great woollen establishments of Yorkshire, &c. &c. cannot comprise a less number; to whose labours the task of a negro in South-Carolina, is indeed but child's play; for where is there in South-Carolina a field negro on a cotton plantation whose day's work cannot be finished, if he chuses it, by 2 o'clock in the day? There may be occasional exceptions among us, but this is the general case. If cheapness of manufactured produce, is thus to be purchased by such incessant wear and tear of body and mind, among the operatives who thus earn the means of dragging on a wearisome existence from day to day, it is dearly purchased: so dearly, that no friend to his country would desire to see the system extensively introduced among ourselves. The pamphlet in question, ought to put an end to the complaints against negro slavery when urged by the favourers of white slavery, such as we find described among the manufacturing operatives of Great-Britain. And when it is thus described, we know of our own knowledge, that the description is true to the life, without exaggeration.

Let us now contrast this with a picture of fashionable entertainment and high-life hospitality, from the novel before us.

"The guests wandered through the gardens, always various, and now a paradise of novelty. There were four brothers, fresh from the wildest recesses of the Carpathian Mount, who threw out such wood-notes wild, that all the artists stared; and it was universally agreed, that had they not been French chorus-singers, they would have been quite a miracle. But the Lapland sisters were the true prodigy, who danced the mazurka in the national style. There was also a fire-eater; but some said he would never set the river in flames, though he had an antidote against all poisons! But, then, our Mithridates always tried

its virtues on a stuffed poodle, whose bark evinced its vitality. There also was a giant in the wildest parts of the shrubbery, and a dwarf, on whom the ladies showered their sugar-plums, and who, in return, offered them tobacco. But it was not true that the giant sported stilts, or that the dwarf was a sucking-babe. Some people are so suspicious. Then a bell rang, and assembled them in the concert-room; and the Bird of Paradise, who, to-day, was consigned to the cavaliership of Peacock Piggot, condescended to favour them with a new song, which no one had ever heard, and which, consequently, made them feel more intensely all the sublimity of exclusiveness. Shall I forget the panniers of shoes which Melnotte had placed in every quarter of the gardens? I will say nothing of Maradan's cases of caps, because, for this incident, Lord Bagshot is my authority.

"On a sudden, it seemed that a thousand bugles broke the blue air, and they were summoned to a *dejeuner* in four crimson tents, worthy of Sardanapalus. Over each waved the scutcheon of the president. Glittering were the glories of the hundred quarterings of the house of Derrall. '*Si non è vero è ben trovato*,' was the motto. Lord Derrall's grandfather had been a successful lawyer. Lord Squib's emblazonry was a satire on its owner. '*Holdfast*' was the motto of a man who had let loose. Annesley's simple shield spoke of the conquest: but all paled before the banner of the house of Hauteville, for it indicated an alliance with royalty. The attendants of each pavilion wore the livery of its lord.

"Shall I attempt to describe the delicacy of this banquet, where imagination had been racked for novel luxury? Through the centre of each table ran a rivulet of rose-water, and gold and silver fish glanced in its unrivalled course. The bouquets were exchanged every half hour, and music soft and subdued, but constant and thrilling, wound them up by exquisite gradations to that pitch of refined excitement which is so strange a union of delicacy and voluptuousness, when the soul, as it were, becomes sensual, and the body, as it were, dissolves into spirit. And in this choice assembly, where all was youth, and elegance, and beauty, was it not right that every sound should be melody, every sight a sight of loveliness, an every thought a thought of pleasure.

"They arose, and assembled on the lawn, where, they found to their surprise, had arisen in their absence a Dutch fair. Numerous were the booths,—innumerable were the contents. The first artists had arranged the picture and the costumes, the first artists had made the trinkets and the toys. And what a very agreeable fair, where all might suit their fancy without the permission of that sulky tyrant,—a purse! All were in excellent humour, and no *mauvaise honte* prevented them from plundering the *boutiques*. The noble proprietors set the example. Annesley offered a bouquet of precious stones to Charlotte Bloomerly, and it was accepted; and the Duke of St. James showered a sack of whimsical *brelouques* among a scrambling crowd of laughing beauties. Among them was Mary Dacre. He had not observed her. Their eyes met, and she laughed. It seemed that he never felt happiness before.

"Ere the humours of the fair could be exhausted, they were summoned to the margin of the river, where four painted and gilded galleys, which might have sailed down the Cydnus, and each owning its peculiar chief, prepared to struggle for pre-eminence in speed. All betted; and the duke, encouraged by the smile, hastened to miss Dacre to try to win back some of his Doncaster losses; but Arundel Dacre had her arm in his, and she was evidently delighted with his discourse. His grace's blood turned, and he walked away." vol. ii. pp. 10-12.

"You entered the Alhambra by a Saracenic cloister, from the ceiling of which an occasional lamp threw a gleam upon some eastern arms hung up against the wall. This passage led to the armory, a room of moderate dimensions, but hung with rich contents. Many an inlaid breastplate,—many a mamaluke scimitar and Damascus blade—many a gemmed pistol and pearl-embroidered saddle, might there be seen, though viewed in a subdued and quiet light. All seemed hushed, and still, and shrouded in what had the reputation of being a palace of pleasure." vol. ii. p. 66.

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"While some were stealing, and she remonstrating, the duke clapped his hands like a caliph. The curtain at the end of the apartment was immediately withdrawn, and the ball-room stood revealed.

"It was of the same size as the banqueting-hall. Its walls exhibited a long perspective of gilt pilasters, the frequent piers of which were entirely of plate looking-glass, save where, occasionally, a picture had been, as it were, inlaid in its rich frame. Here was the Titian Venus of the Tribune, deliciously copied by a French artist: there, the Roman Fornarina, with her delicate grace, beamed like the personification of Raffaele's genius. Here, Zuleika, living in the light and shade of that magician Guercino in vain summoned the passions of the blooming Hebrew: and there, Cleopatra, preparing for her last immortal hour, proved by what we saw that Guido had been a lover.

"The ceiling of this apartment was richly painted and richly gilt: from it were suspended three lustres by golden cords, which threw a softened light upon the floor of polished and curiously inlaid woods. At the end of the apartment was an orchestra, and here the pages, under the direction of Carlstein, offered a very efficient domestic band.

"Round the room waltzed the elegant revellers. Softly and slowly led by their host, they glided along like spirits of air; but each time that the duke passed the musicians, the music became livelier, and the motion more brisk, till at length you might have mistaken them for a college of spinning dervishes. One by one, an exhausted couple slunk away. Some threw themselves on a sofa, some monopolized an easy-chair; but in twenty minutes all the dancers had disappeared. At length, Peacock Piggott gave a groan, which denoted returning energy, and raised a stretching leg in air, bringing up, though most unwittingly, upon his foot, one of the Bird's sublime and beautiful caps.

"'Halloo! Piggott, armed *cap au pied*, I see,' said Lord Squib. This joke was a signal for general resuscitation.

"The Alhambra formed a quadrangle: all the chambers were on the basement story. In the middle of the court of the quadrangle was a most beautiful fountain: and the court was formed by a conservatory, which was built along each side of the interior square, and served like a cloister or covered way, for a communication between the different parts of the building. To this conservatory they now repaired. It was very broad, full of the rarest and most delicious plants and flowers, and brilliantly illuminated. Busts and statues were intermingled with the fairy grove; and a rich, warm hue, by the skilful arrangement of a coloured lamp, was thrown over many a nymph and fair divinity,—many a blooming hero and beardless god. Here they lounged in different parties, talking on such subjects as idlers ever fall upon; now and then plucking a flower,—now and then listening to the fountain,—now and then lingering over the distant music,—and now and then strolling through a small apartment which opened to their walks, and which bore the title of the Temple of Gnidus. Here, Canova's Venus breathed an atmosphere of perfume and of light—that wonderful statue whose full-charged eye is not very classical, to be sure—but then, how true!

"While thus they were whiling away their time, Lord Squib proposed a visit to the theatre, which he had ordered to be lit up. To the theatre they repaired. They rambled over every part of the house, amused themselves, to the horror of Mr. Annesley, with a visit to the gallery, and then collected behind the scenes. They were excessively amused with the properties; and Lord Squib proposed they should dress themselves. Enough champaign had been quaffed to render any proposition palatable, and in a few minutes they were all in costume. A crowd of queens and chambermaids, Jews and chimney-sweeps, lawyers and charleys, Spanish Dons and Irish officers, rushed upon the stage. The little Spaniard was Almaviva, and fell into magnificent attitudes, with her sword and plume. Lord Squib was the old woman of Brentford,—and very funny. Sir Lucius Grafton, Harlequin; and Darrel, Grimaldi. The prince and the count, without knowing it, figured as watchmen. Squib whispered Annesley, that Sir Lucius O'-Trigger might appear in character, but was prudent enough to suppress the joke.

"The band was summoned, and they danced quadrilles with infinite spirit, and finished the night, at the suggestion of Lord Squib, by breakfasting on the stage. By the time this meal was dispatched, the purple light of morn had broken into the building, and the ladies proposed an immediate departure. Mrs. Monfort and her sister were sent home in one of the duke's carriages; and the foreign guests were requested by him to be their escort. The respective parties drove off. Two cabriolets lingered to the last, and finally carried away the French actress and the Spanish dancer, Lord Darrell, and Peacock Piggott; but whether the two gentlemen went in one and the two ladies in the other I cannot aver. I hope not.

"There was at length a dead silence, and the young duke was left to solitude and the Signora!" vol. ii. pp. 74-77.

This is not much unlike the following account of the Marquess of Hertford's fête, or Mr. Rothchild's late supper, both of them since the publication of the Young Duke.

"*The Marquess of Hertford's Splendid Fête.*—The splendid fête given yesterday by the Marquess of Hertford, to celebrate the first coming out into the world of Matilda Strachan, to whom Lord Hertford was appointed guardian by the will of her father, Admiral Sir Richard Strachan, G. C. B., and Baronet, surpassed many that have been given in the metropolis this season. There is in the mansion one suite of rooms three hundred feet long. The drawing-room, saloon, and dining-room *en suite*, ninety-five feet long, the furniture of which is of crimson satin; at one extremity is the conservatory and the orangery, seventy-five feet long; at the other is the supper-room recently built, in the form of a splendid marquee, in which covers were laid for two hundred, where the company partook of a sumptuous entertainment of every delicacy of the season; the gardens were brilliantly illuminated, and had a most splendid appearance. The company began to arrive at 10 o'clock, and after taking refreshments dancing commenced, and continued till a late hour. Among the company we observed his Royal Highness the Duke of Sussex, Prince Talleyrand, who were received in the grand saloon by the Marquess of Hertford, Lord and Lady Harden and Miss Mead, Lord Liverpool and the Miss Jenkenson's, the Dowager Duchess of Richmond, the Duchess of Rutland, the Dutchess de Dino, the Duke of Grafton and Lord Fitzroy, the Duke of Somerset and Ladies Seymour, Ravenscroft and Liddles, Ladies Manners, Lady Euston, Lady Maryborough and Lady Sarah Lovell, Lord Camden, Lord Hill, Lord and Major Dacre, and nearly one thousand of the fashionable world."—*Nat. Gaz.*

All this is no more than we hear of frequently in London, where two or three hundred persons sometimes sit down in rooms of 60 or 80 feet long, hung with crimson satin ornamented with gold; treading on velvet carpets, the company blazing with diamonds and jewelry, and banqueting as at Rothchild's, off plates and dishes of massive gold. Rothchild, indeed, has earned the right to exhibit this splendid luxury. But there are probably 2000 persons in Great-Britain possessing annual incomes of from 20 to £350,000 sterling; and whose annual income would average £25,000. There are 3000 more of these capitalists whose incomes would average £10,000, and 5000 others whose average rental would be £5,000 a year. That this calculation is not very wide of the truth, will appear when we recollect that about twenty years ago, the income tax of ten per cent.,—imperfect as it was, produced the year before it was repealed 14 millions; indicating at that time a national taxable income of 140 millions. Many estates in Great-Britain have originated in unfair and unequal distributions made by monarchs among their favourites, of what ought to have con



stituted the *national* wealth. In strong contrast to all this, one third at least of the whole population, the actual producers of all the consumable wealth on which the others subsist, are labouring beyond their strength to earn not more than £40, or on the utmost average, than £50 a year! Is this unequal distribution of wealth and enjoyment desirable? Can it be remedied, and to what degree? And what are the allowable means of correcting it, if on fair investigation it should be considered as a public evil? This is not a time wherein discussion can be put down by authority, or the feelings of the people, even when they are unreasonable, can be quieted without appeals to their understanding. It is true, that in the United States, where no law of primogeniture prevails, these inquiries are not yet of so much moment; but even here, they are beginning to take station among the doubts of the day.

We apprehend, no one will suspect this review of advocating an equal distribution of property. Our opinions of the wild reveries of Messrs. Skidmore and Ming, have been fully expressed in a former review, and need not be repeated in this. The equality of to-day, would end with the day, and a new distribution must take place on the morrow. Neither are we willing to fight against the laws of nature, which assign universally, a greater share of the good things of this life, to superior ability, energy, knowledge, and persevering industry. These qualifications are entitled to their reward, and will have it; and their earnings and accumulations ought to be at the disposal of those who possess and exert them. But if these earnings and accumulations are distributed with due regard to natural claims and natural equity, they are in no danger of creating unreasonable hostility or envy, either against those who possess them, or those in whose favour the distribution is made. But whatever difficulties there may be in all attempts to solve this interesting but most difficult problem, it is in vain to conceal, that this enormous inequality, confounds the understanding, and rankles in the breast of those who deem themselves unfortunately destined to labour without intermission for the scanty means of keeping life and soul together; and whether they are able to understand the question or not, they see and feel that there is actually something at the bottom not justifiable in the enormous inequality. Mr. Burke, the apostle of legitimacy and aristocracy, has considered this question; but he seems to have cut the knot which he could not untie. "The poor, (says this gentleman) must patiently acquiesce in the lot which providence has assigned to them: they must labour to obtain what by labour can be obtained; and if they find as they

commonly do, their success is disproportioned to their endeavours, they must await their consolation in the final retributions of eternal justice." The advice may be very consoling and very good: but there are symptoms at this moment in Great-Britain, of a determination among those to whom it is addressed, not to exercise quite so much patience as Mr. Burke thinks proper to recommend on this occasion.

The question, what are the benefits to society, and what are the drawbacks from those benefits, attendant on fortunes of from £25,000 sterling a year, for instance in Great-Britain, to ten times that sum, involve circumstances there, that operate very unfavourably against many of the possessors; such as the feudal origin, and the favouritism to which many of these large fortunes are owing. Circumstances, which may excite unpleasant inquiries in a season of turbulence and revolution, and prevent the abstract question from receiving that calm consideration to which it is entitled. That part of the Duke of Richmond's income, for instance, that arises from the duty on coals entering the port of London, will assuredly be a subject of inquiry at some future and no very distant day. In fact, those who are not blind to the signs of the times, must be aware that this question, under all its aspects, is rising up to public view.

What then are the *benefits* to society, arising from the accumulation of very large estates?

1st. They enable the possessors to embark in public enterprises of great utility, which moderate fortunes cannot undertake. No great improvements can take place but among a wealthy population. Hence, the prodigious advantage that Great-Britain possesses over France. Thus, a large part of the Marquis of Stafford's income, arises from the reclaiming an immense district of waste land; much of which, instead of being worth nothing before he began, is now worth a yearly rent of 40s. per acre. This has produced a good interest for 100 or 150 thousand pounds laid out upon it, but without such an expenditure it would have been waste-land yet. None of the noblesse of France could or would have undertaken this. Many similar instances might be adduced, such as thirty-three miles of canal projected and completed by the Duke of Bridgewater alone, on his own funds, during his own life time. The immense public works carried on in Great-Britain, such as canals, rail-roads, &c. although dependent on subscription, could never have been projected originally, or carried on successfully unless by persons who had great surplus funds which they could afford to risk, and which enabled them to subscribe. The same may be said of all the government loans. Recently a loan of

five millions sterling, has been filled with great difficulty in France.

2dly. It is to these large fortunes, that we are indebted, for so many palaces and ornamental grounds throughout the whole of England, that render that country compared to any upon the continent, almost a paradise. Without these large fortunes, there could be none of these solid, lasting, expensive improvements, accumulated by the savings of two or three lives; nor could their owners afford to occupy them, unless the means of so doing were left free from obstruction. Hence, the utility of the English law of primogeniture, without which no permanent improvement of an expensive kind, would ever be made by the living possessor of large estates. All would be slight, temporary, and of a careless character; for who can tell whether he is accumulating or improving for his own posterity or not, if the division of estates will not allow the enjoyment beyond a generation. Much of this feeling is prevalent in the United States and prevents the erection of mansions and buildings of a substantial and very durable character. When a man feels that he is expending his time and trouble, and wealth in improvements that will be enjoyed by his great grand-children, he has a motive to make them, which does not exist if they are destined to fall into the hands of strangers and speculators as soon as he ceases to live and to labour. It is certainly true, that there is no country upon the face of the earth, whose surface is so embellished with habitations and improvements, of splendor, elegance, and comfort, the works of individual proprietors, as Great-Britain. Those who have travelled, know this. It is as yet doubtful whether this high state of embellishment can take place among ourselves for two centuries to come. Yet, it is extremely desirable that much of the British state of things should gradually take place in the United States. When, within a farm or plantation of a thousand acres, a mansion-house and out houses, barns, stables, granaries, &c. ample in dimensions for all useful purposes, are solidly and substantially erected of durable materials; when wells are dug, reservoirs conducted, with streams of irrigation; when suitable buildings of a durable character are erected on mill-seats; when all the fences are put up with a view to their lasting for a century to come; how much more gratifying is this to a parent-owner than the expenditure of his surplus in transitory pleasures? But not only his family, but the community is benefited by these labours; they are in fact so much useful, productive capital, added to the common mass of wealth; the country is the better for them at the time, and for many, many years after. And so, though per-

haps in a less degree, is the transmission of an ample library, a good collection of natural history, or even of works of art.

But if this accumulation be contemplated where it is to be divided among half a dozen children at the death of the parent, how few are the parents who would cherish or execute these intentions! No, the wealth that would have been expended on these improvements, will be divided among his immediate relatives, and take its chance of being usefully employed or idly wasted, according to the state of fashionable opinion among the younger people of the day.

3dly. Another advantage of large fortunes is, that they enable expensive experiments of every description to be made, which, if they failed, would be ruinous to moderate wealth, and therefore could not be prudently undertaken. This is strongly felt in Great-Britain, where experiments of this description are in perpetual operation. We remember at the first suggestion of rolling iron, instead of drawing it under a tilt-hammer, about forty years ago, John Wilkinson, of Lancashire, an iron-master, out of half a dozen steam-engines that he had at work, appropriated two, each of twelve horse power, for half a year to the comparative experiment of rolling and hammering bars for nail-roads. The comparison was seventy to two hundred and fifty or thereabouts, in favour of the rollers, which, since that time, have nearly superseded the tilt-hammer throughout Great-Britain. Who but a man careless of the loss that the failure of such an experiment would subject him to, could have ventured upon it? The steam-engine of Watt and Bolton, would never have been brought into play, but for the wealth of the latter most liberal and enlightened encourager of all that was useful. Even after the patent was obtained, so little were the great merits of this machine understood, that the first fourteen years of the patent expired, without one shilling of gain to these meritorious projectors. If Fulton had not convinced the good sense of Joel Barlow, who advanced the money, the steam-engine might not have been seen on the Mississippi at this hour. Young Mr. Roscoe of Liverpool, son of the much lamented historian lately deceased, undertook to reclaim a part of two mosses that extend for more than twenty miles between Manchester and Liverpool; Chat-moss and Trafford-moss. A small part of them has been reclaimed; and why not the whole of this morass?—The want of funds.

“ Full many an enterprise of great pith and moment.  
With this regard its current turns away,  
Losing the name of action.”

Where, on the continent of Europe, can these splendid achievements of individual enterprise be paralleled? We have already instanced the canal of the Duke of Bridgewater; a scheme first suggested to the public by the conversion of the Earl of Moreland to the theory of canals by his friend Mr. Markly, in that very strange but popular novel of Mr. Brooke, "The Fool of Quality," toward the close of the work.

4thly. Another advantage of large fortunes is, that they tempt and enable their possessors to introduce not only a prodigious number of domestic and foreign luxuries that may, to be sure, be of a very useless description, but they bring home also, many other inventions and customs that greatly contribute to the comfort and well being of society at home. How much did Sir William Hamilton's taste for Etruscan art, improve the pottery of England under Bentley & Wedgewood; and how much has it done for the pottery of France? The works of Dresden and Seves required the wealth of monarchs to set them on foot. The same was the case with the Gobelin tapestry, and the French plate-glass manufactory. The introduction of the Scagliola imitations of marble in England, could not have taken place, but at such buildings as the old London Pantheon and the establishments of the English nobility, where the introduction of ancient porphyry, verde antique, and the Sienna marbles would have been too expensive.

To the tribe of fashionable travellers, among whom the *Battery de Cuisine* is an object of important investigation, we owe the introduction of stoves and braziers for cooking by charcoal instead of the enormous coal-fires of the English, or the still more wasteful wood-fires of the American kitchen. By and by, the charcoal of coal will, in part, supersede the charcoal of wood, especially where streets and manufactories are lighted by coal-gas. To be sure, if a man locates himself in the wilds of America as a back-woods settler on uncleared land, he may consume his superfluous timber by the quickest methods that occur to him; but there is no city or village of America, where one dollar expended in charcoal, will not go as far as four dollars expended in wood.

5thly. Another very important use of great and superabundant wealth, is that it creates a market for literature and science of every description. The literary and scientific world, as a distinct class of society, as professional operatives *sui generis*, have been indebted to wealth for their origin; and to wealth is owing in a great measure, the present flourishing state of knowledge of every kind. Where, but in a wealthy country, can a single bookseller like Mr. Murray find sale for a million sterling's

worth of books annually? Where, but in such a country, could Sir Ashton Lever afford to spend £100,000 sterling on his museum? Where else could you find a single nobleman, like the Marquis of Buckingham, willing to give £20,000 for Haüy's collection of minerals—or a private gentleman like Mr. Grenville accumulate a collection, purchased at a cheap rate for the British Museum, at £13,500 sterling? The expense of Dr. Priestley's experiments were supported by the contributions of the nobility, and the wealthy lovers of science. Lavoisier's success depended not a little on his being a man of 7000 louis d'ors a year. M. Archard was engaged at a salary by the king of Prussia. Mr. Cavendish's large fortune gave him a decided superiority in making experiments; and if diamond microscopes come into fashion, as they will be, who can make them fashionable but men of wealth?

The progress of general information, the march of mind, the propagation of liberal principles, the cause of the people, and the prospect before us of the downfall of legitimacy, and the gradual amelioration of the political state of every community in Europe, is to be ascribed to the press; and the press is the result of wealth; the *periodical press* of London alone, could not be established under a million sterling. We can calculate by approximation its costs; who can calculate its value? Where else can we place any rational hope of future improvement in the condition of mankind.

6thly. After all, whether we are speaking under the name of wealth, of 5,000, or of £50,000 or of quadruple that rental per annum—whether the estates that produce it, were of feudal origin, or purchased by stockholders, bankers or speculators, there must be security in the acquisition, and security in the transmission of property, under one and the same equitable mode of distribution, whether the wealth in question be great or small. The writ of right of sixty years, is the bar to inquiry by the common law of England; and all investigations beyond it, must be adopted on the principle of *ex post facto* legislation. The equal division of property is, with every reasonable man, out of the question; and a law to limit the amount of property acquirable or descendible, can hardly be defended on any rule of justice and equity relating to property. The safest of all plans of proceeding is, to let the acquisition and accumulation depend as heretofore, on talent of whatever kind, on any accident not criminal in itself, and on the savings of those who are not inclined while living, to be unnecessarily expensive. Common motives and natural causes will regulate better than legis-

lation. In fact dear-bought experience has forced upon us the truth, that the best government is that which is least seen and least felt. Legislators are commonly very busy, very ignorant and very conceited meddlers, and their besettings in is over-legislation.

Such are the arguments which a friend to existing circumstances, in Great-Britain, might very fairly use in defence of things as they are. There are, however, considerations not destitute of weight, in opposition to the prevalence of overgrown fortunes in a community :

1st. They are apt to create that worst and meanest of all aristocracies, the aristocracy of wealth. The aristocracy of hereditary birth is often accompanied by a sense of honour, and of duty toward the public interest, arising from the presumption that titles and dignities were conferred in return for high achievements and public services. To be sure the stimulus arising from these considerations is apt to be counteracted by so many paralyzing circumstances, that the public have ceased to depend on its influence ; but how much more revolting is the superiority claimed for the mere possession of superfluous riches, by persons seldom superior to their neighbours in any useful talent or qualification beyond the demands of a counting-house. But the rich have a well understood clanship of wealth with each other, and an influence over legislation too manifest in many cases to be denied. The taxed articles of Great-Britain and of the United States will furnish proof of its operation, as in the case of low-priced woollens and cottons.

2dly. Furnishing in abundance the means, they furnish the temptation seldom unindulged, of extravagant and luxurious expenditure on articles of useless ornament or sensual indulgence ; the habit of sensual indulgence is apt to be carried to a vicious extent, weakening or destroying domestic comforts and domestic virtues, and introducing a lax morality that does infinite harm by its example to the other classes of society which would otherwise have remained uncontaminated. In the novel which we have placed at the head of this article, the female virtue of chastity seems to be of little consideration in fashionable society ; and if we recur to the facts of real life in Great-Britain, among the wealthy and luxurious class, we find the picture of fiction true to the reality. In the life of Lord Byron, prefixed to the large octavo edition of his works, an extract is given of one of his letters as follows : “ A curious thing happened to me ‘ shortly after the honey-moon, which was very awkward at ‘ the time, but has since amused me much. It so happened ‘ that three married women were on a wedding visit to my wife

' (and in the same room at the same time) whom I had known 'to be all birds of the same nest. Fancy the scene of confusion that ensued"—and, in a paragraph of the same page, it is stated, that on Lady Byron's breaking open his writing-desk, she found a letter from a married lady to Lord Byron, with whom his Lordship had been connected, which the rigid virtue of Lady Byron induced her to transmit to the husband. We do not find now, many suits in Doctor's Commons founded on this breach of domestic morality, for these transitory *liaisons* are too common to be treated as a serious cause of complaint, where both parties are so much at liberty to follow their own propensities. The most intolerable of the evils of life is *ennui*; and where there is no serious business to occupy the time that would otherwise hang heavy on hand, pleasure is converted into a business—a regular serious occupation; and when the moderate and allowable pleasures pall upon the over-gratified sense, the stimulus of vice is called in aid to keep up the zest.

3dly. In countries where great wealth is the passport to great consideration, and necessary as a very first ingredient in fashionably society, all the pursuits of honest industry as a means of living, operate as exclusions from the ranks of fashion. Those who are idle and useless, are alone held in estimation; a gentleman, by popular definition, is one who has nothing to do but follow his pleasures; those whose hours are laboriously and usefully employed, are considered as inferiors. To young people in particular, this prevailing sentiment is a very injurious one; for it makes such of them as are weak-minded ashamed of pursuits that are truly honourable and virtuous; pursuits that are useful equally to themselves and to others. Nor can it be possible that public opinion should be otherwise than debased and degraded, where wealth alone takes rank of, and supersedes talent, knowledge, virtue and industry, as a title to the respect of society. Is there no reason to fear the prevalence of this state of things among ourselves? Good society, in the fashionable sense of the term, is at present constituted in France, with little or no reference to the wealth of the persons who compose it. But talent is sure to find its honourable place.

4thly. Knowledge is power. But so is wealth. It can purchase the services of talent, and energy, and knowledge. It is powerful for good; equally so for evil. Unfortunately it is too often tempted to exert itself in the latter direction. It has frequently to put itself in opposition to some of the great interests of the community, and to counteract the measures of self-preservation that the other classes reasonably insist on. To men observant of political tactics, the instances and proofs will readily



occur. In Great-Britain, they constitute an endless warfare, not unknown among ourselves. For there is a natural tendency every where and always on the part of wealth and power, to throw the national burthens as much as possible on the middling classes and the poor ; which honest politicians, (for there are such) find great difficulty to counteract.

5thly. Another very serious evil attends the accumulation of enormous wealth, and that is the great increase of drones in the hive ; the prodigious demand for idle and worthless non-producers—masters and servants and horses for pleasure. We have heard of a late Dutchess of Northumberland, who was regularly, and always waited on at dinner by eighteen tall, handsome, well-made, well-dressed, well-powdered gentlemen, as footmen ; such being the required qualifications of the servants whose duty it was to present themselves to her Grace's presence. To be sure, in a country like Great-Britain in its present state, over-populated in consequence of the mistakes, as well as the dishonesty, of former administrations, and their deplorable barbarous ignorance of political economy, which no present knowledge can suddenly rectify, such an employment of spare hands may be of public utility ; but who can look at three liveried footmen behind a carriage, with the master lolling withinside, without feeling that both the one and the other are degraded human beings ? It is not good for human nature, that such abject inferiority should be hourly witnessed in strong contrast in the streets of a metropolis. The more general diffusion of knowledge half a century hence, will, it is to be hoped, tend to lessen this enormous distance between one freeman and another.

All these general considerations, are undoubtedly arguments sufficiently valid, for the governors of every reasonable community to repress as much as possible, the tendency of wealth to enormous accumulation ; and while giving full swing to the exertions of every kind of superiority conferred by talent, acquirement, activity, energy and persevering industry, to cherish by all allowable artificial regulations, that equality among the members of a community so productive of personal independence, and of reasonable feelings among the citizens toward each other. It is impossible not to allow weight to the reasons in favour of accumulated riches, and primogeniture, arising from a regard to the interests of our posterity, and the permanent improvements that so much enrich and embellish a country as we witness in the island of Great-Britain ; and if the result of the abolition of primogeniture, would be a neglect of such useful expenditure for the slight and transitory improvements that would last only the life time of him who made them, because if ex-

pensive improvements were accumulated he would not know who might enjoy them—we would hesitate considerably before we acknowledged the public expedience of our own system on this continent. But among us, with whom every man is more or less compelled to labour with his head or with his hands to procure a comfortable subsistence, there is hardly one instance where enlightened foresight, real knowledge of the business which a man follows, and persevering industry, fails to procure the ample means even of luxurious indulgence. While writing this page, we observe in the newspaper of the morning, now before us, a paragraph, stating that a Mr. Appleton, of Massachusetts, is in the semi-annual receipt of 50,000 dollars, as dividend from his investments in the manufacturing establishments of that State. Such a man is an estimable member of the community, and deserves what he earns. But if a private citizen among us, by dint of prudent investment and foresight, can obtain an income of 100,000 dollars, what obstacle is there to his embarking in improvements as solid as the national interest can reasonably require, for his own sake, and for his own gratification, even if he had no family or relations who would benefit by them at his decease? Cannot such a man afford a good library, or good collections of natural history, or of the arts?

In Great-Britain, beautiful and delightful as the country dwellings of the nobility and gentry are, they are for the most part on a scale of luxurious expense and ostentation, far beyond the requirements of comfort, approaching to, without much encroaching on, luxury. If the whole country were covered with improvements to which, in point of substantial comfort combined with unostentatious elegance, nothing should be left to be desired, it would be a state of things which every patriot must approve; but palaces are offensive to the eye of a republican; nor is it a gratifying sight to behold the *chateau* of the noble, looking down in ostentatious magnificence, on the humble *chaumière* beneath it. True happiness requires every degree of substantial comfort that art can devise, but ostentatious magnificence furnishes but a transitory gratification even to the possessor. When the charm of novelty is over, the pleasure is over. When a traveller passes through a country, and is compelled to observe that the characteristics of private establishments are comfort universally, and elegance occasionally, while expense and splendour and magnificence appear only in public works and public edifices, he will be compelled also to approve what he observes.

The most effectual check to the accumulation of wealth, is the system we have adopted in the United States of the aboli-

tion of primogeniture. This may lessen the amount of individual riches, but it tends greatly to increase the wealth of the nation. It makes it necessary for every man to become actively an useful and productive citizen; it increases the mass of energy, industry, and talent in the community. It tends to make laborious exertion honourable; and it introduces a desire and a taste for comfort, without permitting the general indulgence of extravagance. It introduces an honest and a natural distribution of property; and although its advantages upon the whole are purchased at the expense of some that we are compelled to renounce, the balance of industry and of honesty, are decidedly in its favour, and it must, therefore, be right as a system.

But the abolition of primogeniture is not a measure that can of itself exonerate the poor from burthens which the present state of society throws upon them. It is impossible to abolish poverty: but it may be lessened, and lightened, and reduced to comparative poverty only, by the regulations of society. Taxes are *direct*, on lands, or income, or persons; or *indirect*, on the articles of consumption, where the tax is involved in the price: this last is the favourite mode of taxation, where an ignorant community willingly becomes the prey of a wily government. It is the favourite mode of taxation in the United States; no credit to the discernment of the people, or the honesty of their rulers. Of all taxes, an income-tax is the fairest. Had the income tax of Great-Britain continued till this day, the system would have been perfect. But the people would not bear it, because they are not yet wise enough or honest enough to meet fair disclosures full in the face. There is among them a conventional determination in favour of fraudulent appearance. Perhaps the same reasons would operate in the United States, and we are inclined to believe so. But the case of the income tax will answer to illustrate our theory, for we do not hold ourselves bound to devise a system of financial detail: there are persons appointed for the purpose, who are paid for doing this, when it is required to be done. It is in detail, their business, therefore, and not ours. We treat of principles only, no taxes, whether direct or indirect, ought to fall upon persons who earn less than 750 dollars per annum. Perhaps a 1000 would be the better number. An income of 2000 dollars ought to contribute more than double the amount laid upon an income of 1000 dollars; for the possessor can bear it better. An income of 5000 dollars ought to pay more than double the sum paid by an income of 2500 dollars for the same reason: and so on to an income of 100,000 dollars annually, which might be taxed 33½.

per cent. Such might and ought to be, the reasonable scale of graduation. The tax ought to bear most lightly on the smallest income. Suppose a taxation for the support of government of one-eighth of every income indiscriminately. Then 750 dollars would contribute 94 dollars, and 7,500 dollars would pay 940. The first would leave the possessor 656 dollars only, the last would leave 6,560. Is it not manifest that the defalcation of necessities and comforts in this case, would be felt ten times more severely by the smaller income than by the larger? Yet the rule is reasonable, that the weight of taxation should fall in proportion to the ability to bear it. Suppose in each case, a man, his wife and two children: in the former instance, the tax payer must in consequence deprive himself and his family of some of the necessities of life, in the latter case, it might cost the richer person, a carriage-horse extraordinary. This country of ours is a republic: and the poor have a right that their comforts should be carefully considered; and that is a bad government that neglects it. Either the greatest good of the greatest number is politically the rule of right, or the rule of right is something different. Take your choice.

In the next place, if taxation be indirect, every article of probable consumption reasonable for a person of 750 dollars a year should be wholly exempted, and the taxation be made to fall on the articles of consumptions of those who can afford to pay; and this in an increasing ratio as far as the articles will bear it. The whole of it will be light; for, after the national debt is paid, the expenses of government, among us, ought not to exceed ten millions of dollars a year: if they do, the people ought to ask, in peremptory language, the reason why.

Next and finally, and above all, the expense of education, of schools, teachers, apparatus, from the highest calculus of the abstruse mathematics, down to the teaching of the alphabet, ought to be furnished by government gratuitously to every citizen indiscriminately, willing to take advantage of the means. Every investigation of this subject, centers in the paramount expediency of educating the mass of the people: if they will not acquire education at their own expense, they ought to be tempted, and if they cannot be tempted, they ought to be compelled to acquire it at the public expense. In Germany, the people are compelled to send their children to school, on the reasonable plea, that they have no right to turn an idle and ignorant youth into the mass of citizens; and that good morals are essentially connected with good education; and they are so. There is no object of legislation to be compared in importance with this. We are not inclined to defend the position, that

it is the absolute *duty* of government to exonerate any citizen from the obligation and the expense of giving to his children a reasonable education, adapted to the course of life they are intended to pursue; it is an obligation binding on every citizen who is a parent: but of the prudence and expedience of furnishing the means of education universally, that there may be no excuse for neglect—and the infinite value of knowledge diffused through a republican community, we cannot hesitate for a moment: we see the necessity plainly, we feel it sensibly in our own State, every day and every hour. Of all purchases, knowledge is the cheapest; of all protections to our republican institutions it is the safest; of all guards over our constitutional liberties, it is the most effectual. In South-Carolina, three hundred and fifty thousand dollars, or a dollar and a half per head per annum, for the whole white population, would furnish the means of the best possible education to every child of every citizen, as long as he found it convenient to keep them at the schools of instruction. Ignorance of our rights, and the difficulty of diffusing correct political information throughout an ill-educated community, have cost South-Carolina thirty millions of dollars within the last ten years. A full, gratuitous, system of education open to every one, during the next twenty years, will save us from the exorbitance of federal taxation, and place this State at the head of the Union. But the business must not be done by halves.

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ART. VIII.—*Annals of the Peninsular Campaigns, from 1808 to 1814.* By the Author of Cyril Thornton. In 3 vols. 12mo. Philadelphia. 1831.

THE author of Cyril Thornton (of which our opinion has been already expressed) has, recently, published his “Annals of the Peninsular War.” From the species of talent displayed in his novel, we were induced to peruse this work with favourable anticipations of its merits: nor have we been disappointed in our expectations. The professional student, who desires to enlarge the stores of his knowledge, by relations of campaigns

and sieges conducted, and of battles fought, according to the principles of science and art, would, perhaps, be more gratified with the "History of the war in the Peninsular, and in the South of France," by Colonel Napier, and the "Journal of the Sieges in Spain," by Colonel Jones; and the admirer of beautiful composition would, doubtless, prefer the glowing and brilliant "History of the Peninsular War," by Southey, to the volumes which we propose to review. But the general reader, who seeks to be informed of the military and political occurrences, and the usual causes, intimately connected with the downfall of Bonaparte, an event, which deeply and extensively influenced the fate of nations, will derive both pleasure and profit from the "Annals of the Peninsular War." He will find in them a lucid narrative, neither too much amplified nor condensed, reflections judicious and illustrative, and an arrangement, which presents to us numerous and complicate transactions, distinctly and clearly.

After Bonaparte's return to France from Egypt, in 1799, his political and military career, during a long period, was splendid and triumphant beyond example. As first-consul, consul for life, and emperor, his success was viewed with astonishment and dismay by the European world. Accurately observing the signs of the times, profoundly, penetrating the character of his subjects, and conscious that power could not be maintained, though it might be acquired, by force, he addressed himself to the ruling passions and feelings of the great mass of those over whom he presided. Sensible of the influence which religion exercises, even in a licentious age, one of his first measures, after assuming the imperial purple, was the restoration of that church, of which the followers were the most numerous in his dominions, whilst he, scrupulously secured every civil and religious right, to those who dissented from its peculiar doctrines. Resolved, that no obstacle should exist, which could oppose the supremacy of his will, he annihilated *political* liberty; whilst he laid open to all, the avenues which led to honours and emoluments. Nor was this a mere nominal provision; it was, practically, acted upon; and the humblest individuals, exhibiting extraordinary valour or talent, were raised to the highest commands and dignities. The great principle of the government of Bonaparte, was *political equality*. This was the lever by which he moved the empire of France. By it, he rendered himself the *monarch of the people*, and acquired *popularity*, the only stable foundation upon which power can rest. It was this policy, which caused him, when possessed of the attributes and

pageantry of royalty, to be, emphatically, called by Mr. Pitt, "the child and the champion of democracy."

The formidable continental enemies of France, were Russia, Austria, and Prussia. Bonaparte, in his first campaign, after being elected emperor, overthrew the forces of the two first of these powers, at Austerlitz; and in the humbled condition of the emperor of Austria, after that signal defeat, he exacted from him the treaty of Présburgh, in 1805. By that treaty, Austria gave up her Venitian territories, both in Italy and Dalmatia, with the islands in the Adriatic. She acknowledged Bonaparte as emperor of the French and king of Italy, and also acknowledged the new royal titles of the princes of Bavaria and Wurtemberg. Soon after the ratification of this treaty, Louis and Joseph, the brothers of the French emperor, were placed upon the thrones of Holland and Naples; and the Confederation of the Rhine was established under his protection. The single victory of Jena, gave to him almost the complete possession of Prussia. Her sovereign attempted to negotiate; but the terms offered to him, were so humiliating, that he preferred trusting to the chances of fortune, and the aid of his Russian ally. On the 14th of June, 1807, was fought the desperate and sanguinary battle of Friedeland, between France, on the one side, and the combined armies of Russia and Prussia, on the other. The combined forces were routed, and in the succeeding month of July, the treaty of Tilsit was concluded. By the treaty of Tilsit, Prussia was deprived of all her territories on the Elbe, and of all her recent acquisitions in Poland. Dantzic was created an independent town; East Friesland was added to Holland; the ceded Prussian possessions in Germany were erected into the kingdom of Westphalia, the sovereignty of which was conferred upon Jerome Bonaparte; the emperor Alexander recognized the titles of Jerome, of Louis and of Joseph, and of the kings belonging to the Rhinish Confederation; and by secret article, he conveyed the Ionian isles to France, and engaged to enforce her continental system, by excluding British vessels from the ports of Russia.

Until this period, perhaps, the wars of France were unavoidable, and, essentially, defensive; for the bloody contests in which she had been involved, did not originate in the ordinary motives of ambition or cupidity. By their issue, it was to be decided, whether the spirit of aristocracy or democracy should predominate: whether these principles should be established, which supported thrones, or those, which rendered their tenure insecure and perilous. The imperial democracy prevailed in this mighty struggle. The legitimacy of Bonaparte, and of his

royal relatives and adherents, who owed their elevation to his arts and arms, was acknowledged. He conquered a peace from the continental potentates, which they dared not to interrupt, so long as he chose to preserve it. He had declared, that he desired peace, in order that he might turn his attention to those civil improvements and reforms, which would ameliorate the condition and advance the prosperity of his country. But with these occupations, though he devoted himself to them with pre-eminent wisdom and sagacity, he was soon satiated. In his brightest hour, when he was enjoying the sweets of popularity, and when his military fame was the theme of universal eulogy, he rashly provoked hostilities. From thence he ceased to be the favourite child of fortune; for, amidst some splendid achievements, he sustained defeats, which tarnished his martial renown, and, ultimately, deprived him of his dominions, and even of his personal liberty.

The first link in the chain of his disasters, was the invasion of Portugal and Spain. He might have retained Portugal in subjection, with Spain as an ally; but when he attempted the prostration of Spain he raised up a nation as his enemies, and afforded to Great-Britain, his inveterate and powerful foe, the means of assailing him, under circumstances, peculiarly favourable to the undisputed mistress of the ocean. The imbecile and disorganized government of Spain had hitherto been so passive an instrument in his hands, that he had held all her resources at his disposal. But as he had already given kings to Holland, and Naples, and Westphalia, he flattered himself, that Spain, by his political management, would consent, that her timid and lethargic monarch, should be replaced by a branch of the imperial family. To prepare the way for this revolution, he caused the flower of the Spanish army, to be sent into Germany and Tuscany, and concluded a secret treaty with Spain at Fontainebleau, by which the northern provinces of Portugal were allotted to the king of Etruria; the centre division was to be held in sequestration, until a general peace, when its fate was to be decided; and the southern provinces, under the investiture of the king of Spain, were to form a principality for Godoy, the Prince of Peace, the paramour of the Spanish queen, and the possessor of the friendship and unbounded confidence of her husband. Under the pretence of carrying this treaty into execution, seventy thousand disciplined French troops were introduced into the North of Spain, and placed in the fortresses which commanded the roads and the most important positions.

Portugal, which had, for years, submitted to the exactions and dictation of France, without daring to resent them, was



compelled to embark in a war against England, the most ancient of her allies ; but this compliance tended rather to accelerate than to retard the progress of events. An army, under Junot, despatched with the avowed intention of rescuing Portugal from the English yoke, and maintaining her independence, took possession of Lisbon, and with the co-operation of Spanish auxiliaries, reduced the whole kingdom to sullen subjection. Junot soon acted without the semblance of disguise. He publicly announced, that Portugal was no longer sovereign, but an *appanage* of France. The nation were informed, that "the emperor willed that Portugal should thereafter be governed 'in his name, by the general-in-chief of his army.'" The supreme authority was then assumed by Junot, and for the ancient insignia of the kingdom, those of France were substituted. Portugal being regarded as subdued, the attention of Bonaparte was exclusively directed towards Spain. A conspiracy was there, either fabricated or designed for deposing Charles, in which his son, Ferdinand, was implicated ; and the terrified old king was persuaded to embrace the resolution of emigrating to Mexico. The discovery of his intention, whilst he was preparing to execute it, created an insurrection, by which the king being intimidated, resigned the crown to Ferdinand, and to appease the clamours of the people, imprisoned Godoy, his odious minister. Murat, the commander-in-chief of the French forces in the Peninsula, upon receiving information of these movements, advanced to Madrid, with 50,000 men, took military possession of the capitol, with the consent of Charles, and prevailed upon him to issue a proclamation, that he had resigned his crown to his son, by compulsion, and to appeal to the protection of Bonaparte. Ferdinand, alarmed by the proclamation of his father and the approach of the French, was induced, partly by flattery, and partly by fear, to proceed to Bayonne. His person being there secured, it was necessary for the accomplishment of the perfidious schemes of Bonaparte, that Charles should follow the example of his son. To effect this, his favourite, Godoy, was removed from his prison in the night, and conducted to Bayonne, under a strong escort. The infatuated monarch, unable to endure a separation from his minion, soon after repaired to Bayonne, with his queen, and all the members of the royal family. When the two princes were thus within the grasp of Bonaparte, a resignation of the crown in his favour was extorted from both, from the father on the 5th, and from the son on the 10th of May, 1808, after which they were conveyed into the interior of France. Thus far, the intrigues of the emperor of the French had been successful. He

seemed to be on the pinnacle of his fortune, to have achieved the bloodless conquest of a kingdom, which, however degraded it might have been, under the Bourbons, was capable of being regenerated by him, and of adding a vast increase to his power and wealth. But, almost from the very moment of the completion of his deep-laid plot, of his "*ruse doublée de force*," in the language of M. de Pradt, is to be dated that resistance of the people of Europe to his reckless ambition, which did not terminate until it hurled him from his lofty pre-eminence, and precipitated him into the seclusion and exile in which he closed his eventful life.

Intelligence of the occurrences at Bayonne had been no sooner communicated to the authorities of Spain, than addresses teeming with the most fulsome flattery were presented to Bonaparte. The Junta of Government, the Council of Castile, the Municipality of Madrid, and the Cardinal Archbishop de Bourbon, the only male branch of the royal family in the kingdom, entreated for the honour of a king of the imperial stock. Thus secure in the servility of the higher classes, Bonaparte convoked an assembly of one hundred and fifty of the nobility and principal officers at Bayonne, and addressed them in the following proclamation :

" 'Spaniards, after a long agony your nation was perishing. I have seen your sufferings,—I will relieve them.—Your greatness and power are inseparably connected with mine.—Your princes have ceded to me all their rights to the Crown. I will not reign over your provinces, but I will acquire an eternal title to the love and gratitude of your posterity. Your monarchy is old. It must be restored to youth, that you may enjoy the blessings of a renovation which shall not be purchased by civil war or calamity. Spaniards, I have convoked a general assembly of the deputies of your provinces and towns, that I may know your wishes and your wants. I shall then lay down my rights, and place your illustrious crown on the brows of one who bears resemblance to myself: thus securing to you a constitution which will unite the salutary power of the Sovereign, with the protection of the liberties and rights of the Spanish nation. It is my wish that my memory should be blessed by your latest posterity, and that they shall say, 'Napoleon was the regenerator of our country.' " vol. i. pp. 87, 88.

By these proceedings, the Spanish nation was, at length, roused into a resistance which, spreading from province to province, gradually embraced the whole kingdom. Juntas were formed; all the unmarried men, from eighteen to forty-five, were summoned to arms; a correspondence was established among the leaders in the different quarters of the country; Great-Britain was applied to for arms and amunition, and was

recognized as a friend and ally. The singular spectacle was thus presented of popular assemblies supporting the rights of an absolute monarch ; of patriotism, enthusiastic in the cause of a traitor and a coward ; and of a people voluntarily encountering hardships, and privations, and dangers, and death, for the restoration of political and religious despotism. In truth, the Spanish nation, in 1808, were not, nor are they now, desirous of liberty. In Spain, there was no press. The only channels through which information circulated, were proclamations, which rarely extended to the political relations of the kingdom ; and it had for ages, been the policy of its rulers to deprive the people of every means of acquiring knowledge, by which they might be taught, first to think, and then to act for themselves.

“ To a people thus situated, the prospect of political regeneration possessed but little charm. Without knowledge, but that taught by their priests, who inculcated the most slavish doctrines, both political and religious, to them a free constitution was, in truth, nothing but a name. No adage is more true than that a people to be free must be enlightened. The sun of liberty does not rise in the zenith, nor pour down the full flood of his unclouded radiance on regions dark and benighted. The twilight of doubtful struggle must precede his appearance. It is by slow degrees that the clouds which obscure his rays are illuminated and dispelled, till at length, mounting in the horizon, he displays the full measure of his glory and effulgence.” vol i. p. 164.

But even the slave has, or thinks he has, his rights ; and when they are trampled upon, a flame is often lighted up in his bosom, which burns as fiercely as if it were kindled by the noblest and purest excitement. Spaniards were patient under the yoke of native oppression ; but to be transferred to a foreign master, they felt to be an indignity and a degradation, and they resented it as a personal injury and an insult.

The first measures of the Spaniards were eminently successful. Five French ships of the line, lying in Cadiz, were forced to surrender after three days cannonading. General Dupont, who had been sent too late to occupy that port, attacked a superior Spanish force at Baylen, but being repulsed with such loss, that he was unable to effect his retreat, he was compelled to surrender as prisoners, his army of 14,000 men. The French were defeated with great slaughter in two assaults upon Valencia. Palafox, victoriously defended Zaragoza ; and Joseph Bonaparte, after entering Madrid, with the title of king, and receiving the congratulations of the nobles and the inquisition, was under the necessity of retiring beyond the Ebro. Thus, within less than three months, Spain was almost cleared of its enemies by the valour and enthusiasm of its population.

" This success had been achieved against the first army of Europe, commanded by the greatest generals of the age. At the commencement of hostilities, we know that the French forces in Spain amounted in number to one hundred and fifty thousand men. These, by the energetic courage of the people, had been driven back and discomfited. Not a foreign bayonet had been drawn in their cause. Whatever honour may attach to so splendid an achievement, must exclusively be given to the Spanish people. It is theirs and theirs only. Let this be the answer to those who accuse the patriots of lukewarmness, in the cause which they so gallantly and perseveringly maintained. In truth, considering the disadvantages under which they laboured, the wonder is, not that they did so little, but that they achieved so much. It was manifestly impossible, that a body of undisciplined levies, miserably armed and equipped, without experienced leaders, and deficient in the arms of cavalry and artillery, could successfully contend with the French armies in the field. No sophistry, therefore, can be more gross, than that of those reasoners, who argue that the Spanish people were indifferent to the cause of freedom, because their armies were frequently defeated in the field. The memory of Baylen, Valencia, Zaragoza, Bruch, and Gerona, will bear imperishable record of the national ardour and perseverance, and give the lie to those who would basely injure the cause of freedom, by villifying the character of its defenders.

" Yet, he would judge erroneously of the character of this memorable struggle, who should form an estimate of the amount and vigour of the hostility of the Spanish people, by an exclusive reference to the operations of their armies. These, in truth, formed but a small part of that widely extended system of destructive warfare, by which the French were encountered in the Peninsula. Wherever any detachment of their armies could be overpowered by the peasantry, they were attacked and massacred. All stragglers perished. The motion of large masses was continually required, to keep open the communication of the different corps, and protect their convoys. The expense of life, by which the invaders were enabled, at any period, to hold military possession of the country, was enormous. Throughout the whole contest, there was a spirit of fierce and unmitigated hostility abroad, in every quarter of the kingdom; an enmity which never slumbered nor slept, which was in continual and almost universal action, and which wasted, like a pestilence, the strength of the invaders.

" Though the Spaniards owed much of the success which crowned their efforts, to their own zeal and courage, it must be confessed, that some portion of it is attributable to the blunders of their opponents. The French were evidently unprepared for the degree and character of the resistance which they encountered in the Peninsula. They regarded the people with contempt, and were consequently led to attempt important objects, with inadequate means. Defeat was the penalty of these ignorant miscalculations.—Something of gratuitous tarnish, something even of dark and memorable disgrace, may have been cast on the national arms, by the misconduct and timidity of those intrusted with command; but it is unquestionable, that the disasters, in which

their operations so often terminated, are greatly attributable to those who directed the conduct of the war." vol. i. pp. 166-8.

The following account of the siege of Zaragoza cannot fail to be interesting even to those who have perused the eloquent description of it by Southey. It must be recollected, that Zaragoza, to a military eye, would have appeared incapable of resisting a formal siege. It was surrounded only by a low brick wall, which presented no regular defences, and it contained very few guns in a state fit for service.

" Palafox, driven into the city, did not relax in his efforts for its defence. He exhorted the inhabitants to continue steadfast to the cause in which they had gloriously embarked.

" The French battering train was now brought into full action on the city. But the increasing danger which surrounded them, only roused the enthusiasm of the inhabitants to a higher pitch. They planted cannon at every commanding point; broke loop-holes for musquetry in the walls and houses, and converted the awnings of their windows into sacks, which they filled with sand, and placed in the form of batteries at the gates. Every house in the environs of the city, which could afford shelter to the enemy, was destroyed. The gardens and olive grounds were even rooted up by the proprietors, wherever they were supposed to impede the general defence. Thus was it, that in this noble struggle for freedom, all private interests were disregarded.

" The share taken by the women in the memorable defence of Zaragoza, it belongs to history to record. By their voices and their smiles, the men were rewarded for past exertions, and animated to new. Regardless of fatigue and danger, they formed parties for relieving the wounded, and for carrying refreshment to those who served in the batteries. Of these undaunted females, the young, delicate and beautiful Countess Burita was the leader. Engaged in her blessed work of merciful ministration, with death surrounding her on all sides, she went, with unshrinking spirit, wherever anguish was to be relieved, or sinking courage to be animated. Never, during the whole course of a protracted siege, did she once swerve from her generous and holy purpose. With all a woman's softness of heart, yet without a woman's fears, she partook in every danger and every privation—a creature at once blessed, and bringing blessings.

" It was impossible, in such circumstances, that the defence of Zaragoza could be otherwise than heroic. Where women suffer, men will die. All ranks and classes of society laboured alike in the defence. Mothers, tearless and untrembling, sent forth their children to partake in the common peril, and to perform such labours as their strength would permit. The priests took arms and mingled in the ranks. The ammunition was made into cartridges by the nuns. In Zaragoza all hearts were animated by a sacred zeal in the cause of liberty and their country." vol. i. pp. 126-129.

On the night of the 23th, a powder-magazine blew up, which destroyed fourteen houses and killed two hundred men; and in the morning, the fire of the French artillery demolished a sand-bag battery erected for the defence of one of the gates.

"Here the carnage was excessive. The battery (which had been reconstructed) was repeatedly cleared of its defenders; and so vehement and overwhelming was the fire of the enemy, that the citizens at length stood aghast at the slaughter, and recoiled from entering a scene already glutted with victims.

"At this moment it was, that a young female, named Augustina, of the lower class of the people, arrived at the battery with refreshments. She read the prevailing consternation in the countenances of those around her; and snatching a match from the hand of a dead artilleryman, she sprung forward among the bodies of the dead and dying, and fired off a twenty-six pounder; then mounting the gun, made a solemn vow, never, during the siege, to quit the battery alive. This animating spectacle revived the drooping courage of the people. The guns were instantly re-manned, and pointed with such effect, that the French were repulsed with great slaughter; and having suffered severely at other points, Verdier at length gave orders for retreat." vol. i. p. 130.

Frequent sorties were made by the besieged to open a communication with the adjoining country, and to obtain supplies. These failed in their object; and the inhabitants, hopeless of external succour, resolved to remain within their walls, and, if necessary, to perish amid the ruins of their city.

"The efforts of the besiegers did not slack. On the fourth of August, at day-break, they began battering in breach, and by nine o'clock the troops in two columns advanced to the assault. One of these made good its entrance near the Convent St. Engracia, the other by the Puerta del Carmen, which was carried by assault. The first obstacle overcome, the French took the batteries in reverse, and turned the guns on the city. A scene of wild havoc and confusion ensued. The assailants rushed through the streets, and endeavoured to gain possession of the houses. The Convent of St. Francisco and the general hospital took fire, and the flames spread on all hands. Many cast themselves from the windows on the bayonets of the soldiers; and the madmen escaping from the hospital, added to the horrors of the scene, by mingling with the combatants—shouting, shrieking, or laughing, amid the carnage." vol. i. p. 132. \* \* \* \* \*

"War was waged from every house; the street was piled with dead, and an incessant fire was kept up by both parties. The batteries of the Zaragozans, and those of the French were frequently within a few yards of each other. At length the ammunition of the city was nearly expended, yet even this circumstance induced no thought of surrender. As Palafox rode through the streets, the people crowded round

him, and declared, that if ammunition failed they were ready to resist the enemy with their knives. Towards sunset, however, their hopes were cheered by the unexpected arrival of Don Francisco Palafox, the brother of their heroic leader, with a reinforcement of three thousand men.

"Eleven days passed, during which this murderous contest was continued, and new horrors were gradually added to the scene. The bodies of the slain which were left unburied in the streets, had become putrid, and tainted the atmosphere with pestilential odours. \* \* \*

"On the eighth of August a council of war was held in the garrison, and in that assembly no voice was heard for surrender. It was determined to maintain those quarters of the city still in their possession with unshaken resolution; and should the fortune of war be eventually unfavourable to their cause, to retire across the Ebro, and, destroying the bridge, to perish in defence of the suburbs. There is a moral sublimity in the courage of the unfortunate, in that patient and unshrinking fortitude of the spirit, which enables the sufferer to stand fearless and unsubdued amid the fiercest storms of fortune. The devotion and patriotism of the Zaragozans had been tried by fire, and they came forth pure and unsullied from the ordeal." vol. i. pp. 133-4. \* \*

"The conflict was continued from street to street, from house to house, from room to room, and with renewed spirit on the part of the defenders. They gradually beat back their opponents, and regained the greater portion of the city. In the meanwhile, Verdier being wounded had retired from the command, and Lefebvre received orders from Madrid to raise the siege, and take up a position at Milagro. On the night of the thirteenth, a destructive fire was opened by the enemy from all their batteries, and many parts of the city were set on fire. The Church of St. Engracia was blown up, and that venerable fane of ancient religion was levelled with the dust. But the night of terror was followed by a dawn of joy. In the morning the inhabitants beheld the distant columns of their enemy retreating discomfited, from one of the most murderous and pertinacious struggles of which history bears record.

"Thus concluded the ever memorable siege of Zaragoza, and thus was achieved the brightest and most honourable triumph of a people struggling for freedom." vol. i. pp. 134-5.

The reward which the inhabitants of Zaragoza received for their gallant devotion to the cause of Ferdinand, is characteristic of the government and of the people:—they were to be perpetually exempt from disgraceful punishment for any crime, excepting treason and blasphemy.

We fully concur with our author in the eulogies which he has bestowed upon the unshrinking firmness of the Zaragozans, amidst all the miseries and calamities of pitiless war, and upon their heroic courage, which ultimately enabled them to repel the veteran bands of their assailants; but when he ascribes their fortitude and daring to the spirit of freedom, he certainly

has mistaken the impulse by which they were animated. From numerous facts and observations, in his volumes, and in the writings of others who have treated upon the Peninsular campaigns, it is evident that the idea of freedom, in the ordinary and correct meaning of that term, never entered into the conception of the Spaniards. They would have enjoyed more of that blessing, and a more efficient security of their personal rights under king Joseph, than they expected, or even hoped for from the re-establishment of their ancient dynasty. They were urged on by prejudices against innovation, by aversion to foreign rule, by indignation against the fraud and violence which had been practised upon their sovereign, and by a patriotism, which by them was resolved into the abstraction of national independence. These were their excitements, which operating upon proud, fiery and vindictive temperaments, rendered them impatient of any other control than that to which they had been accustomed, to the evils and oppressions of which they were blinded by ignorance and superstition.

A British army of 30,000 men, under Sir Arthur Wellesley, landed in Portugal, in July, 1808, to assist the Portuguese, in expelling their invaders. Junot advanced from Lisbon to meet them, and, on the 21st of August, he was defeated at Vimiere. By the convention of Cintra, which followed this battle, the French evacuated Portugal. From this time, the war in the Peninsula was prosecuted by the Spaniards and Portuguese, and by the British as their allies. As soon as the latter took the field, the Spaniards, with the exception of the Catalans, exhibited little of that energy and enthusiasm with which they were inspired at the commencement of hostilities. They almost ceased to act as principals in a contest carried on in their own country, and involving their existence as an independent nation. This is glossed over and, indeed, grossly misrepresented by Mr. Southey, who portrays the Spaniards, as if they were still conspicuous for the chivalry, and prowess, and daring spirit of adventure, which distinguished the conquerors of Granada; but he who will read the history before us, and that of Napier, and the accounts of the French, will be satisfied that the liberation of the Peninsula from the domination of Bonaparte, is chiefly to be ascribed to the valour and perseverance of the British and Portuguese, and the extraordinary civil and military qualities of Lord Wellington. Sir John Moore, in his advance towards Madrid, and in his retreat upon Corunna, was not joined by a single battalion of Spaniards. Lord Wellington was more frequently thwarted and opposed than aided by their leaders. Their soldiers never acquired that organization



and discipline which were essential to render them efficient in the field against regular troops ; and excepting O'Donnel and some of their Guerilla chiefs, no one of their generals displayed either talent or military enterprise. The Portuguese, on the contrary, though oppressed for centuries by a wretched government, were formed into excellent soldiers ; they fought side by side with the British ; and so conducted themselves, that Lord Wellington declared, after their gallant bearing at Busaco, in which they charged the French with the bayonet, that he reposed entire confidence in their steadiness and bravery.

Reasoning upon general principles, we should conclude that the British, Spanish and Portuguese forces, under the Duke of Wellington, would have been vanquished by the French. Supposing that the individuals in the contending armies were upon a footing in personal courage (which we believe to have been the case,) the Spaniards and the Portuguese, at the commencement of the struggle, were undisciplined and ignorant of tactics ; but had they not been deficient in these essential requisites, the details of wars, both in ancient and modern times, demonstrate that the result of campaigns depends as much upon strategy, as upon tactics and discipline. It is in strategy, that the mind of the commander is exhibited. Carrying on his operations upon an extended scale, he has numerous combinations to form, and numerous dangers to guard against. His plans must be regulated with the utmost exactness and foresight, not only as they relate to his own movements, but to those of the enemy. A defect in their theory or their execution may be attended with the most fatal consequences ; whereas by a skilful and comprehensive strategy, the superior numbers of an adversary, equal in tactics and discipline, may be rendered unavailing. The great principle in strategy is, so to distribute military bodies upon one or more lines of operation, as to enable their commander, with the utmost possible rapidity, to concentrate them upon the decisive point, as contingencies may require. Simple as is this proposition in its terms, its execution demands the highest grade of military talent. It was owing to the masterly selection of his line of operations, that Bonaparte, in his first Italian expedition, divided the Austrians and Piedmontese into two exterior lines, and was enabled to defeat them, separately, at Mondovi and Lodi. In 1800, the French armies forming two exterior lines, reciprocally, sustaining each other, compelled the Austrians to take a still more exterior direction, by which the French reserve cut off the communications of Melas with his base, whilst it preserved its own communication with its secondary line. A reference to the

map of that seat of war will show Moreau posted at Stobach and Zurich, and Kray facing him, on the North side of the Danube. In Italy, Bonaparte on the Po, at Pavia and Tortona, with a corps at Verceil, completely insulated Melas at Alexandria, whilst the French, in case of a check, had open to them all the gorges of Switzerland, the St. Bernard, Simplon, the St. Gothard and Splugen. The victories of the French, at that period, offer convincing proofs of the decisive effect of a judicious strategy. In 1812, Bonaparte trusting to his fortune, rashly invaded Russia, with his lines of operations at too great a distance from each other. His secondary base upon the Vistula bore no relation to the depth of his line of operations, intersected by the Niemen, the Dwina, and endless wastes of forests and heaths. Although he acted on a simple line, the immense distance from his base, left him without communications. The extremes of his secondary base were already turned and broken, when Kutusoff moved to the rear of his flank upon Kaluga, towards the Berezina, and destroyed the greatest army recorded in modern history. In the next year, though the lines of Bonaparte were shorter, circumstances were different. He operated with an ability never surpassed, in mass; but being very inferior in cavalry, and the allies likewise moving in mass, the first battles were unattended with any marked results, until his adversaries operating upon double exterior lines, (on this occasion applicable from their superiority in numbers and in cavalry) moved again round the flank, compressed the French army into a small area, placed it between two fires, and decided the campaign at Leipzig.

These sketches of operations conducted by celebrated officers exemplify the principles and consequences of strategical science. Whatever may be the natural endowments of an individual, it is to be presumed, that they must be improved by practice and experience, in which the French marshals Masséna, Ney, Soult and Marmont must have possessed great advantages over the Duke of Wellington. They had been accustomed to war, upon its largest scale, against skilful generals, and soldiers trained in the best schools of European tactics. He, before the Peninsular war, had never commanded in chief, excepting in the East Indies, where military operations bore little resemblance to those which prevail in Europe. He, nevertheless, by the resources of his own mind, compensated for his want of experience, and displayed a strategical comprehension and profoundness, as it appears to us, of a higher order than his renowned opponents. In a few months after the command had devolved upon him in

the Peninsula, from inferiority of force,\* he was obliged to retreat before Masséna. By marching upon a single line, when pursued, he arrived, with little loss, at the position of Torres Vedras.

“The whole extent of the position was strong in the most emphatic sense of that term. To call it impregnable would be idle; because no accessible position is so.” vol. ii. p. 225.

At Torres Vedras the whole of the allied army could be concentrated by secure and easy communications, and brought in a short time, to the defence of any point which might be attacked. But the attack was never made; and Portugal was saved without a battle. The Duke of Wellington then drove the French from the frontier fortresses, by alternately carrying his masses across the Tagus; and his line being shorter than that of his enemies, he forced them to operate exteriorly. After the victory of Salamanca, he advanced into Spain, by two interior lines, and though, subsequently, under the necessity of retreating before superior numbers, he yet compelled the French, in order to pursue him, to abandon the south, or one half of Spain. His next operation was upon a single line, by moving upon which, he encountered the French at Vittoria, before they could unite their divisions, cut them off from their base, and drove them out of the Spanish territories.

Fortunately for the cause of Spain, military operations, by the Duke of Wellington, were conducted in a manner very differently from her civil administration. Whilst the Provincial Juntas existed (the first national assemblies resorted to) they acted without concert or system. Like isolated and independent bodies, they were extensively guided by sectional interests, as if they had not been engaged in a common quarrel. Jealousies were perpetually arising among the authorities, which generated rivalry, resentment and distrust. Their inefficiency being apparent, they were superseded by a Provisional Government; but this substitute produced no change for the better. The Provisional Government never devised any measures adapted to the exigency of the occasion. Deficient in wisdom to plan, and in vigour to execute, it was soon discovered, that they possessed all the defects, whilst they were destitute of the local influence of the Provincial Juntas. To remedy the evils of their former incompetent councils, the assembly of the Cortes was

\* The French army consisted of upwards 100,000 men, and that of the Duke of Wellington of between 70 and 80,000; ten thousand of whom were Portuguese, and 10,000 Spaniards, under Ronana.

convened in 1810. This was a representative parliament, and to be entitled to a seat in it, the only qualifications were, that the persons elected should have attained the age of twenty-five, and should neither receive a pension nor hold any office of profit under the government. From their first acts, a favourable augury was formed of their future proceedings. They proclaimed the invalidity of the cession of the crown to the French emperor, prohibited their members from accepting pensions, honours or rewards from the executive, and removed many obstructions from the freedom of the press. They, however, soon deviated from the promise which they had given. Instead of organizing their armies, of providing for the collection of a revenue, of appealing to the energy of the people, and thus consolidating their strength and resources against an inveterate and powerful enemy in the heart of the kingdom, they employed themselves in legislating for the despatch of judicial litigation, for the speedy trial of accused persons, for obtaining accurate returns of causes depending in courts of law, and of the number of prisoners charged with criminal offences. Although some of the members of the Cortes were enlightened and learned men; and although the great majority of them were, unquestionably, attached to their country and desirous to advance its interests, they were devoid of that experience, and uninfluenced by those animating motives, which were necessary to qualify them for their arduous stations. Familiarity with the principles of rational liberty, and the spirit of freedom would have compensated for the want of political and legislative experience; but the principles of liberty, and the spirit of freedom were unknown and unfelt under the leaden monarchy of Spain, and her subjects did not rise in arms to rescue themselves from despotism, but to restore a despot to the throne of his ancestors.

In these volumes we met with an incident which was altogether new to us. We had always understood that the Duke of Orleans (now the king of the French,) had resolved, under no circumstances, to bear arms against his countrymen; but it appears, that he offered his services to the Central Junta in 1809. Though his offer had been then declined, he was afterwards invited to assume the command in the provinces on the northern frontier.

“He immediately prepared to take advantage of the opportunity thus afforded. He sailed from Malta, and from thence to Tarragona, where he issued a proclamation, inviting all true Frenchmen, as well as Spaniards, to rally round the standard raised by a Bourbon for the subversion of that tyrannical usurpation by which both nations were oppress-

ed. The Duke then proceeded to Cadiz, and was received with all the honours due to his rank, but the Cortes refused to sanction the appointment of the regency, and he shortly afterwards returned to Palermo." vol. iii. pp. 9, 10.

In the year 1810 a principle of war, unheard of among civilized nations, was attempted to be established by the French in the Peninsula; and we know not of any act of Bonaparte's which ought to attach a fouler stigma to his memory.

"It was declared by Marshal Soult, in a public edict, that none but regular armies had a right to defend their towns, their houses, and their families, from violence and plunder; and that as no legitimate army could exist but that of his Catholic Majesty, Joseph Napoleon, all bodies of armed Spaniards, of whatever number or description, which existed in the provinces, should be treated as banditti, whose object was robbery and murder. Every individual taken in arms, was immediately to be condemned and shot, and his body exposed on the highway.

"When it was discovered by the regency that this most infamous decree was actually carried into effect, they reprinted it with a counter-decree, in French and Spanish, declaring that in these times every Spaniard, capable of bearing arms, was a soldier; and ordaining, that for every person who should be murdered by the enemy, the first three Frenchmen taken in arms should be hanged; three should also be executed for every house burned, and three for every one who should perish in the flames. Soult himself they declared unworthy of the law of nations till this decree had been repealed; and orders were issued that if taken, he should be treated like a common robber.

"In the bands of Guerillas, which existed in every mountainous district of the country, the regency found willing agents in the execution of their retributive enactments. Few acts of outrage on the part of the enemy escaped without reprisal. In one instance, a Guerilla leader hung several Frenchmen on the trees bordering the high-road near Madrid, in retaliation for several of his own men, whom the invaders had put to death; and made known his intention of treating in a similar manner all the superior officers who should fall into his power. Thus did blood beget blood, and cruelty on the one side generate exasperation on the other; of this truth most of the French leaders, by degrees, became convinced, and alarmed at the prospect before them, the system of extermination was happily allowed to sink into desuetude." vol. ii. pp. 188, 189.

We have been peculiarly struck with the clearness and spirit with which the author describes the detail and circumstances of battles, which are usually so represented, even by distinguished officers, as to leave but vague and imperfect impressions upon the mind of the reader. As a specimen of his talent, we shall extract his account of the battle of the Nivelle, which took place on the 10th of November, 1813.

" Soon after midnight, the troops having fallen under arms without the signal of trumpet or drum, began to descend the Pyrenean mountains by moonlight, by the different passes, and advanced to the verge of the line of out piquets, preparatory to the attack at day-dawn. This grand movement was made in the most profound silence. As the columns moved onward, the stillness was felt by all to be impressive. The village clocks striking the hours amid the darkness increased the general anxiety for break of day; and the first streaks of light which dappled the east were watched by many thousand eyes with strong and almost feverish impatience. On reaching their stations the troops were ordered to lie extended on the ground, and the columns were so posted that the intervening ground concealed them from the enemy.

" It was the object of Lord Wellington, in the approaching attack, to occupy the attention of the enemy by false attacks on his right wing, where the position was too strong to be seriously assailed, while his chief efforts should be directed to penetrating the centre, and thus to separate the wings of the French army. This object attained, it was even possible, that by establishing his troops in rear of the enemy's right wing, its retreat on Bayonne might be cut off. \* \* \*

" The attack began at daylight by a brisk cannonade, and a skirmish of the piquets along the whole line. The fourth division then advanced to attack a strong redoubt of the enemy in front of the village of Sarre, and carried it with little opposition. Sarre was then abandoned by the enemy without any attempt at resistance. At the same time, the light division, advancing with the greatest impetuosity, forced the lines on Petite La Rhune, and, having driven the enemy from the different redoubts, formed on the summit of the hill.

" These preliminary attacks having proved successful, the centre columns continued their advance against the heights, in rear of Sarre, under a heavy fire from the various lines of retrenchment by which this point of the position had been secured. On the approach of the columns, however, these were successively abandoned, with scarcely an effort at defence, and the enemy fled in great disorder towards the bridges on the Nivelle. The garrison of one redoubt alone attempted to repulse the assailants. While the light division were escalading the work, the column of Marshal Berresford succeeded in intercepting the retreat of the garrison, and an entire French battalion, nearly six hundred strong, was in consequence made prisoners.

" In the meanwhile, Sir Rowland Hill made a powerful attack on the heights of Ainhoe. The troops moved on in echelons of divisions; and the sixth division, supported by that of Sir John Hamilton, having first crossed the Nivelle, came in contact with the enemy's right, posted behind the village, and at once carried the whole of his defences on that flank. The second division was equally successful in its attack on a redoubt on a parallel ridge in the rear; and both divisions then advanced to Espellate, when the enemy, afraid of being intercepted, abandoned their advanced line in front of Ainhoe, and retreated in some confusion towards Cambo.

" During these operations, a detachment of fifteen hundred Spaniards of Mina's division moved along the heights of Maya, and attacked the advanced post of the enemy in that direction. Their onset was vigorous, and the French were at first forced to retire; but being reinforced, they again returned to the assault, and beat the Spaniards back nearly to the village of Maya.

" The heights on both sides of the Nivelle being thus carried, the third and seventh divisions were directed to move by the left, and the sixth division by the right of the river, against a ridge of fortified heights near St. Pe, where the enemy was observed to be collecting in considerable force. These divisions came up, and, after a smart engagement with the enemy, drove them in confusion from the position. By this success the troops of the centre were established in rear of the enemy's right, which still remained in their works. But the extreme extent of the line of movement, and the great difficulty of part of the ground to be crossed, joined to the approach of night, prevented Lord Wellington from pushing farther the advantages he had acquired. Marshal Soult took advantage of the darkness to retire the force from his right, and resigned his whole line to the victorious army." vol. iii. pp. 243-6.

We do not propose to enter into a detail of the civil and military transactions of the Peninsular Campaigns, of the obstacles which Lord Wellington overcame by his diplomacy and strategy, of his sagacity in detecting the design of his adversaries, of his skill in baffling the efforts of superior numbers, of his daring and judicious enterprise when he turned upon his pursuers, of his tactic, and combination, and prescience in the day of battle, which prevented his enemies from taking any advantage of his position, or his being involved in any difficulties, which he was unprepared to meet and to surmount; nor of that moral courage, which sustained him in the most perilous conjunctures, and enabled him to disregard censure and reproach, and to regulate all his actions by the dictates of cool and deliberate reflection. He was never over-reached by any stratagem of the enemy, either when advancing or retreating—he was never beaten in any pitched battle, though opposed by six French marshals, among whom were Masséna, Marmont, Ney, and Soult; and he acquired the splendid reputation, of having driven the French out of Spain and Portugal, and of afterwards vanquishing them upon their own territory, at Nivelle and Toulouse. All these particulars are set forth in a lucid and interesting manner by the author. It, nevertheless, appears to us, that upon some occasions, his national predilections have induced him, without sufficient grounds, to assign the victory to his countrymen. From his own representation of the affairs at Albuera and at Fuertes d'Honore, we should infer that they

were drawn battles. When the former terminated, no advantage had been gained on either side, and on the day of the engagement, as well as on the following day, "both armies remained 'in the peaceful occupation of their respective positions.'" At Fuertes d'Honore, 'the great object of the contest, was the possession of that village; and the result was, "that towards evening the fire on both sides gradually slackened, and the village, 'as if by mutual consent, was divided by the combatants, the 'upper part being occupied by the British, the lower by the 'enemy."

The conduct of British officers of high rank is noticed in these volumes, with great frankness and independence. The timid measures of Sir Harry Burrard, after the battle of Rolica, and his injudicious interference with the plans of the Duke of Wellington (then Sir Arthur Wellesley) whom he superseded, are unreservedly pointed out; and the following accompanying remarks are manly and appropriate:—

"Sir Harry Burrard, thrown accidentally and unawares into what could only be considered as a situation of transient command, it was scarcely possible to be expected that his measures would be marked by the confidence and boldness of purpose, which might have contributed so greatly to the success of the campaign. It was certainly not unnatural, that a person so situated should be unwilling to incur the responsibility of directing operations, of the propriety of which, and the chances of success which they afforded, he could form but a partial and imperfect judgment. Called summarily to decide in difficult and unexpected circumstances Sir Harry Burrard will probably be considered to have decided wrong; yet he unquestionably decided to the best of his judgment. Fault, therefore, can be attributed only to those who sacrificed the interest of their country, by placing a man of narrow capacity, yet of honest intentions, in a situation for which he was manifestly unfit. That officers of such acknowledged talent and pretensions as Sir John Moore and Sir Arthur Wellesley, should have been superseded in command by Sir Hew Dalrymple and Sir Harry Burrard, is a tolerable convincing proof that the selection of military leaders, was, in those days, regulated by principles very different from that of *detur digniori*."

The gross incapacity of Sir John Murray, near Tarragona, and the glaring want of military talent of Marshal Beresford, at the battle of Albuera, are plainly exhibited and judiciously censured; and in the other instances the same candour and boldness are displayed, without any mixture of undue harshness or severity.

In March, 1814, Ferdinand was restored to his dominions, in every part of which he was received with enthusiasm and



boundless loyalty. During the journey nothing could exceed the suavity of his deportment. He declared himself to be the father of his people. He professed himself to be gratified with the arrangements which had been made upon his approach to the capital, expressed his acquiescence in the restrictions which had been imposed upon his prerogatives, and refrained from the exercise of any act of sovereignty. Instead of taking the road to Valencia, as prescribed to him by the Cortes, he went to Zaragoza, to view, as he alleged, the ruins of that celebrated city, and to pay a compliment to its brave inhabitants. But this hypocrisy was not of long continuance. Upon arriving at Valencia he threw off the mask under which he had concealed his real designs, and issued a manifesto charging the Cortes with having violated the constitution, and introduced revolutionary innovations subversive of the royal authority. That the Cortes had committed errors is undoubted, but they proceeded from the head not the heart. Their devotion to the cause which they had espoused was unquestionable. Under the pressure of every danger and temptation, they presented a bold and unwavering front, and never suffered their ardour to cool, until the great object which they aimed at had been obtained; and towards the termination of their session, they enacted many wholesome regulations. Ferdinand then revoked the freedom of the press, which the Cortes had, partially established; and he, subsequently, reinvested the Inquisition with its hateful power over the bodies and the souls of the people, and resumed all the functions of the monarchy, "without a single correction of any of the enormous abuses, which in the lapse of centuries, had crept into every department of the government."

Such was the conduct of one, who had courted the smiles, and crouched beneath the frown of a foreign dictator—who had abandoned his throne to an usurper, without a single effort to maintain it, physical or moral. Such were the benefits which Spain derived from the restoration of her legitimate monarch, for whom she had exhausted her treasures and poured out her blood. Such was the gratitude of a coward, towards those who had rescued him from danger—of a tyrant, towards those to whom he was indebted for his liberty and his crown.

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ART. IX.—1. *Speech of Mr. McDUFFIE against the Prohibitory System; delivered in the House of Representatives of the United States. April, 1830.*

2. *Second Speech of Mr. McDUFFIE against the Prohibitory System; delivered in the House of Representatives of the United States. May, 1830.*

3. *Speech of the Hon. GEORGE McDUFFIE, at a Public Dinner given to him by the citizens of Charleston, (S. C.) May, 1831.*

IN discussing a question so complicated and involved as that of the practical operation and ultimate effects of our system of indirect taxation, upon the various interests and the several subdivisions of the Union, those who sincerely seek after the truth, naturally endeavour to dissipate the uncertainty and confusion which arise from the complexity of the subject, by pushing analysis to the very extreme of simplification. Accordingly, it seems to have been a leading object of Mr. McDuffie, in the Speeches under review, to resolve the great question in controversy, into the most plain and elementary propositions. Nothing but a deep and settled consciousness of truth could prompt to such a course of investigation, for it would be most obviously fatal to his purpose, if the doctrine he maintained, were erroneous.

We shall not enter upon a formal exposition of the theory of Mr. McDuffie, as his principles are laid down with too much force and clearness and illustrated with too much power and ingenuity to require any such elucidation from us. We propose, however, to examine and defend some of the positions assumed by that gentleman, as we think them well calculated not only to strip the Tariff of its disguise, but to exhibit its true relative operation upon the different sections of the Union.

The leading proposition of Mr. McDuffie that "it makes no difference to the producer, whether the duty be laid upon the export of his cotton, or upon the import which might be obtained for it," has been controverted by a statesman of ability and reputation upon the ground "that the producer might export his cotton, &c. to England or France and spend the proceeds in either of those kingdoms, or he might apply them to the payment of a debt due to persons resident in Europe." This

solution of the difficulty is, however, far from being satisfactory. The contested proposition is not merely theoretical, but is founded upon the actual state of that branch of our commerce of which cotton furnishes the exchange. It is a statistical fact, conclusively verified by the custom-house returns, that almost the entire amount of our exports of cotton is converted into European manufactures, which *are imported* into the United States under an average of duties amounting to forty-five per cent. It is upon *this state of facts* that a duty of forty-five per cent. upon the export of cotton would be no more burthensome to the planter, than is a corresponding duty upon the imports received in exchange for it. If it were generally true that the cotton planters of the South expended the whole proceeds of their crops in the amusements and enjoyments of Paris and London, or in paying debts contracted for similar objects by themselves or their ancestors, however much we might deplore the inevitable fate of their penniless posterity, we should never dream of ascribing it to the Tariff. It is undoubtedly correct, that in either of these modes the cotton planters could effectually avoid all the burdens of that system, but it would be the desperate policy of throwing away the inheritance of their children to avoid being deprived of it by highway robbery. It would be a singular spectacle that the cotton planters would exhibit, if, improving this hint, they should resolve to import no more articles subject to protecting duties in exchange for their cotton, nor permit others to do it, but to expend the whole proceeds of their crops in Europe, in such manner, as to have nothing to bring into the United States upon which the government could collect any import duty! But it is strange that it should not have been perceived, that if imports, paying duties, were not brought into the United States in exchange for cotton, the question could, by no possibility, arise as to the comparative burdens imposed by an import and export duty. The contested proposition, in its very nature and terms, assumes—what is incontestibly true in point of fact—that such imports *are* received in exchange for cotton. To dispute, therefore, the equivalency of import and export duties, because there might, by possibility, be a *sporadic* case of an export without any corresponding import, is, in no respect, more pertinent to the issue, than it would be, to deny the mortality of a gun-shot, after death had resulted from it—because, if it had not struck the victim, it certainly would not have killed him.

Two more reasons have been given—or rather one more reason in two different forms—why an import is not equivalent

to an export duty in its operation on the planter. "He might 'sell his crop for a bill of exchange, or sell it in Charleston or New-York, for money. In none of these instances and in others 'which might be stated, would he, as a producer, pay any duty 'at all." This is begging the question; for it is evidently assumed, as a conceded postulate, that in selling his cotton in Charleston or New-York, for a bill of exchange or for money, the planter would obtain the same price for it, in those places, as if the Tariff were entirely repealed, or had never existed. Now, this is the very point in controversy, which we propose to examine hereafter, this not being the branch of the subject to which it properly belongs. The question whether a duty upon imports is equivalent, in its final operation, to a duty upon the correlative exports, has no dependence whatever upon the proposition, that the producer bears a part of the burden of the duty upon imports; though, as a matter of illustration, it certainly makes that proposition more plain and obvious. If the duty were laid upon the export of cotton, instead of the import of its equivalent, might not the planter, in that case also, sell his cotton in Charleston or New-York for a bill of exchange or for money? And might it not be said in that case, as well as in the one stated above, that the producer would pay no duty at all? The latent error of all the reasoning upon this subject consists in assuming that the planter, because he does not actually pay the duty, but leaves it to be paid by the first, or some subsequent purchaser, is not affected by it, in the same degree, as if he had paid it himself, in the first instance. This differs in nothing from assuming, that the planter, who sells his cotton at his own warehouse, is not burthened with the expense of transporting it to market, because he does not actually pay the freight, but leaves that to be done by the purchaser. Now, it must be apparent, that it is of no consequence, as it regards the burden imposed upon the planter, how many transfers may be made of his cotton, before the freight or the duty is exacted. If the series were indefinitely protracted, the planter would be precisely as much affected by an exaction from the last purchaser, as from the first, or even from himself; provided always that this exaction be not casual or accidental, but the result of a certain and established law, known to exist at the time of the first transfer. Nor is it of any more consequence, as it regards the effect upon the planter, how many *forms* his cotton may assume, before the exaction is made. Cotton converted into manufactures, by the simple process of exchange, is still the product of the planter, to all rational intents and purposes; and

any burden imposed upon these manufactures, must consequently operate upon the planter, and upon the value of his cotton too, precisely as if it had been imposed upon the cotton itself at the time of its exportation, or at any previous or subsequent period. But it is said, that the person who purchases the cotton from the planter makes no calculation of the duties that will have to be paid upon the merchandize for which it is to be exchanged. To suppose that no general cause can have the effect of depressing the price of cotton, which is not made the subject of a specific calculation and estimate, by each individual purchaser, is to take, we think, an unphilosophical view of the subject. It is quite obvious that all the general causes which regulate prices, produce their effect independently of any calculation, made either by the seller or purchaser, according to uniform laws, which never enter into the consideration of either of the contracting parties. What purchaser ever attempted to calculate the cost of production, the *ultimate* regulator of prices, or to estimate the degree in which the supply was redundant or deficient, in relation to the existing demand, the *immediate* regulator of prices? Yet, what could be more absurd than to maintain, that an excessive production of cotton, beyond the effective demand, would not diminish its price, and to assign for a reason, that the purchasers never made any calculation about the relation which the supply might bear to the demand, when about to contract for cotton? The truth is, that every one moves on in a general current, by which he is carried forward, without being conscious of any agency in producing it. Each purchaser looks only at the market-price, without knowing or caring how it has been produced by the causes which regulate and control it.

But the case put by Mr. McDuffie, as it seems to us, unanswerably establishes the equivalency of import and export duties. We never have seen even a plausible attempt to answer it. As it is briefly stated, we give it entire:—

“ Let us suppose, to make the case too plain for evasion or equivocation, that two merchants set out for Liverpool, each of them with a cargo of a thousand bales of upland cotton, worth thirty thousand dollars, with a view to exchange them for cotton manufactures. We will also suppose that one of these merchants is compelled to pay an export duty of  $33\frac{1}{3}$  per cent. and that the other, under the impression that it would be much less burthensome, is permitted, as a special favour, to export his cotton free of duty, on condition that he pay a like duty when he imports the return cargo. Now, let us follow these merchants through their respective adventures, and see how the matter will end. One of them is compelled to pay ten thousand dollars, at the great Na-

tional toll-gate, as he goes out, to raise which sum, he sells one third of his cotton before he leaves the United States. When they reach Liverpool, and sell their respective cargoes, one of them finds that he has only \$20,000, in his pocket, wherewith to purchase goods, while the other exults in the possession of \$30,000. Each of them proceeds to invest his money in cotton manufactures, and they then embark in the same vessel for the United States. When they reach the Custom-house, the one who recently exulted in his cargo worth \$30,000, is informed with great civility, that he will be permitted to land his goods, if he will pay the trifling sum of \$10,000, for so valuable a privilege. He of course complies with a proposition so very reasonable;—but upon comparing stock with his competitor, on this side of the federal toll-gate, he is astonished to find that they are almost precisely in the same condition. The only difference between them would be, the interest on \$10,000, for the period consumed in the voyage; a difference nearly counterbalanced by that between the value of cotton in the United States, upon which the export duty was paid, and the value of it in Liverpool, upon which, or its equivalent, the import duty must be estimated." pp. 14—15.

Now, to bring the case still nearer home to the question in dispute, we will suppose that two cotton planters had gone upon this adventure, instead of two merchants, and that they had laid out their cargoes, respectively, for cotton manufactures, *not for their own consumption, but exclusively for sale*. We confidently defy the ingenuity of man to point out any advantage which the planter who paid the duty upon his imports, would have over him who paid it on his exports, except the trivial saving of interest stated by Mr. McDuffie. To trace the parallel in detail;—would he get any more for his cotton in Liverpool? Would he give any less for the manufactures purchased there? Would he pay a less sum to the government for the privilege of making the exchange? And finally, could he get any more for his manufactures in the United States? To all these questions an unequivocal negative must be given, and it is beyond the wit of man to suggest any other particular, in which the condition of the two planters could differ.

But it has been said (in reply to Mr. McDuffie) by way of a *reductio ad absurdum*—"Did it make no difference to the 'producer, whether the duty were laid upon the export of his 'cotton, or upon the imports which might be obtained for it, supposing that the present rate of duty averages at least 45 per cent., and that the ordinary profits of a planter are now 5 per cent. upon his capital, should the existing duties be totally repealed, his profits would amount to 50 per cent. Does the

'most sanguine theorist imagine, that the abolition of the duties 'would add 45 per cent. to his profits?'

Certainly not! for to produce such a result, the *income* and the *capital* of a cotton planter must be considered as one and the same thing. It would require a capital of \$100,000 to yield an income of \$5,000 at five per cent. The repeal of a duty, therefore, which operated as a tax of forty-five per cent. *on this income*, would raise the profits of the capital from five to seven and one-fourth per cent. only, instead of fifty; yielding the moderate income of \$7,250, instead of the astounding sum of \$50,000. Now it would not require "the most sanguine theorist" to believe, that the repeal of the Tariff would enhance the profits of the cotton planters in this small degree, when the very manufacturers who are competing with them for supplying the market of the United States with cotton manufactures, under a discriminating and protecting duty of forty-five per cent., are realizing profits of from ten to twenty-five per cent., and, in some instances, probably higher.

We will close our remarks upon this branch of the subject by a brief notice of an argument used in a Northern Review, to shew that a duty upon imports is not equivalent to a duty upon the exports exchanged for them. This position is maintained in that journal, upon the ground that our cotton may be exchanged in England for specie, and this carried to France and invested in silks and clarets. Now we would, in the first place remark, that unless it be designed to clothe our whole population in silks, and drench them with clarets, it would be a very bad speculation to invest the proceeds of our cotton crop, or any considerable portion of it, in these articles. The amount of silks now imported is between six and seven millions of dollars, and that of clarets and other French wines, less than one million, and this supply is found to equal the demand. If the annual amount of the cotton crop of the United States, or even one-tenth part of it, were appropriated to the increase of this supply, silks and clarets would be a source of loss instead of profit, to the importers. But even if these articles should be imported, in return for the cotton we sell in England, would they be subject to no duty? The rate of duty, to be sure, would not be so high, as it would be on British manufactures; but the difference would be more than counterbalanced, by the disadvantage of being driven from a direct and natural, to a circuitous and artificial course of commercial exchanges. This is conclusively demonstrated by the fact, that our merchants, though undoubtedly aware of this alternative, by which the protecting duties might be avoided, even before it was pointed out by the

sagacity of the Northern reviewer, have still found it more advantageous to import British manufactures, under the higher rates of duty imposed on them, than to import silks or clarets, *or any thing else*, under the lower rates of duty to which they may be subject. The amount of this argument, then, plainly stated, is neither more nor less than this, that the import duties upon the manufactures obtained for cotton, are not equivalent to the export duties upon the cotton itself, because the former may be avoided by encountering what would be decidedly worse, for the parties interested. Such would be the consolation which a waggoner would derive—when subjected to an unlawful and oppressive toll—from being assured that he might avoid the exaction, by winding his way through the woods, at the risk of foundering his horses and destroying his wagon.

Upon the whole, then, we regard the proposition, that an export duty on cottons would be no more burthensome to the producer, than an import duty upon the manufactures obtained for it, as a plain truth, susceptible of strict demonstration, and, indeed, almost as much entitled to be regarded as an axiom, as that three multiplied by two are equal to two multiplied by three. Whether, in the point of fact, imports subject to high duties, are obtained in exchange for cotton, is a different question; but it is the plainest of all questions, utterly excluding all speculation, and to be determined only by reference to the treasury statements of our navigation and commerce.

Mr. McDuffie supposes, with a view to another illustration, that the capital and labour now engaged in the production of cotton, to be exchanged for foreign manufactures, were employed in fabricating these manufactures by machinery; and, that, because the Southern capitalists, with cheaper water-power and cheaper labour, could undersell their Northern competitors, Congress should impose a discriminating excise duty upon their manufactures—exempting those of the North from its operation. This he maintains would be precisely equivalent to the existing system of discriminating or protecting impost duties, in its relative operation upon the capitalists of the South and of the North, and, indeed, upon all the interests liable to be affected by it. So far as our observation has extended, none of the numerous writers who have controverted the doctrines of Mr. McDuffie, have disputed this position, and at least one of them has admitted it. We regard it as being susceptible of the clearest demonstration. The only difficulty we find is to resolve it, by any analysis, into elements more simple and plain than the proposition itself. There are two general modes of producing



manufactures in this country, the one by the use of machinery and labour—pursued in the Northern States; the other by cultivating the earth and exchanging its productions for foreign fabrics—pursued in the Southern States. Manufactures acquired in the latter mode, are as truly the productions of our planters, as if they were made directly by the use of machinery. The only difference in the two cases, is in the mode of acquisition—a difference as perfectly immaterial to all the purposes of this argument, as if it consisted in the kind of machinery, as it does in the kind of labour, by which they are produced. A duty, therefore, levied upon manufactures obtained by exchanging cotton for them, operates precisely in the same way, to all intents and purposes, upon the cotton planter, as if levied upon manufactures which he had made at his own factory. The difference here again, is purely nominal. In the one case the duty is called an *impost*, and in the other, an *excise*. Does the impost in question throw the whole burden it imposes, upon the consumer, by enhancing, to its full amount, the price of the articles upon which it is laid? So, for the very same reasons would the corresponding excise. Would the excise in question impose any burthen upon the manufacturers, as producers merely? So, for the very same reasons, would the corresponding imposts, impose the very same burthens upon the cotton planters. Would the excise in question, give the Northern manufacturers an unjust preference in the market, by excluding the Southern manufacturers from it (so far as a discriminating duty of forty-five per cent. could have that effect) with the unrighteous and unconstitutional purpose of giving the exclusive possession of it to their competitors? Such is precisely the effect and the design of the existing impost. Would the supposed excise, be unequal, unjust and oppressive—considered merely as a measure of taxation—and in violation of that well designed but nugatory clause in the Constitution, which requires that all “impost and excise duties shall be uniform throughout the United States?” The existing impost is precisely as unequal, unjust and oppressive, and as much in violation of the spirit of this clause of the Constitution. There is but one conceivable circumstance in which the two kinds of duty can possibly differ, as it regards their operation upon the producers, which we will now state and explain. It may be supposed, as it has been asserted, that if any part of the duty levied upon the foreign manufactures, we obtain for our cotton, falls upon the producers, it must fall upon the foreign manufacturers. Now it is only by entirely overlooking the facts of the case, that any one could be betrayed into this plausible error. For example, the aggregate

value of cotton manufactures annually made in Great-Britain for the domestic and all foreign markets, amounts, according to the statement of Mr. Huskisson, confirmed by the statistical tables of that country, to one hundred and sixty millions of dollars. Of these, we import into the United States, to the value of only eight millions of dollars; just one-twentieth part of the whole amount. Can any thing be conceived more irrational, than the notion, that our impost, upon this miserable fraction of eight millions of dollars, can materially depress the price of the whole one hundred and sixty millions of dollars in the markets of Manchester and Liverpool? Now it is only by depressing the price of cotton manufactures in Great-Britain, that any portion of the burthen of our imposts can be thrown upon the British manufacturers; and when we reflect that the loss of our market, is compensated by the acquisition of a more extended market in South-America and the Indias, both for selling their manufactures either entirely or almost free from duty, and for purchasing raw cotton in exchange for them; it must be apparent that whatever portion of our impost duties cannot be thrown upon the American consumers, must of necessity be borne almost exclusively by the American producers, without the participation of the foreign producers in a greater degree, at the very utmost, than one per cent., assuming twenty to be the proportion that must fall on the producers. We take it as established, therefore, that if the cotton planters manufactured the articles, which are now imported in exchange for their cotton; a discriminating excise duty imposed upon those manufactures, would have almost precisely the same effect upon the producers of these manufactures, as the existing import duty has on them as cotton planters; and would, consequently, operate no more injuriously upon the interest of the Southern capitalists, or beneficially upon that of the Northern manufacturers.

Mr. McDuffie presents the illustration of the same idea in another form, exhibiting the argument, we think, in a still more striking point of view. Instead of supposing the Southern planters to manufacture the goods they now import, he supposes the Northern manufacturers to import the goods they now manufacture, in exchange for cotton made on their farms; and that in consequence of the alleged inferiority of their soil and climate, and the comparative high price of agricultural labour at the North, Congress should levy the existing rates of duty upon the foreign manufactures obtained in exchange for Southern cotton, and entirely exempt from all duties, those obtained in exchange for Northern cotton. This illustration has the ad-

vantage of bringing the ideas to be compared nearer together, and divested, too, of that difference of form and name merely, which serve to perplex and confuse superficial reasoners. If it were perceived that not only the very same articles, but the same articles acquired by the very same process, would be subject to duties, when obtained for Southern productions, from which they were exempted, when obtained for Northern productions, the inequality would be so palpable, the discrimination so iniquitous and revolting, that no sound mind and honest heart in any latitude, would attempt to vindicate such an outrageous proceeding. Yet, we cannot perceive, for the life of us, how a discrimination in the duties upon the Southern and Northern imports, would differ in any material circumstance, from the existing discrimination between the duties upon manufactures obtained for Southern capital and labour, by the processes of agriculture and exchange, and those obtained for Northern capital and labour, by the process of manufacture. Let us subject the two modes of discriminating taxation, to the most rigid comparative analysis, and we shall see whether or no, any substantial difference can be discovered between them. In what would they differ? Would the Southern cotton planters be subject to any heavier burthen, in the supposed case, than they now bear? Certainly not, for the impost duties would be the very same that they are at present. Would the Northern capitalist enjoy any greater advantage, any higher protection against competition in the sale of their manufactures, than they now do? Not at all; for they now enjoy all the advantages of a discriminating duty of forty-five per cent. imposed upon the manufactures obtained for Southern cotton, and from which their rival manufactures are exempted; and they certainly would not enjoy any more under the supposed system of discrimination. The only difference with them would be, in the manner of obtaining the manufactures exempted from duty; a mere formal difference, which certainly would not make the exemption any more valuable to them, or injurious to their competitors, than it is in its present shape. Would the consumers in the North and the South be affected differently, in any respect, by the supposed system, from what they are by the present? Most assuredly they would not. It is entirely erroneous to suppose, that "the people of the North would get their imported goods cheaper than the people of the South," in the former case, in any other sense, than that in which it may be said that they now get their home-manufactured goods cheaper. The latter are now unjustly exempted from the duties, to which the Southern imports are subject; the former would be

no more than exempted under the supposed system. But how could it, by any possibility happen, that the "people of the North would get their imported goods cheaper than the people of the South," regarding them as consumers merely? Could the Southern imports, paying a duty of forty-five per cent. be sold for a higher price in the same market, than the Northern imports, paying no duty at all; any more than our taxed imports, under the present system, can be sold higher than the untaxed manufactures of the North? The idea is utterly preposterous. What complaint could be uttered, then, against the supposed system of discrimination, for the protection of Northern cotton-growers, that might not be silenced by as strong an answer as can be made to the complaints uttered against the present system? Would the Southern cotton-planters complain, *as producers*? They would be told, as they are now, that the price of their cotton was not reduced *in Europe*, for that they could obtain the very same price in that market, as could be obtained by the Northern cotton-growers, and as to their duty on imports, that would fall exclusively on the consumers. Could the Southern people complain, as consumers, with any more justice than they now do? Undoubtedly they could not; for they would be told with the very same truth that they are told now, that all the consumers of the United States were equally affected by the duties, and that "the Northern people are greater consumers than those of the South." Thus, it is apparent that in all the conceivable aspects of the subject, the supposed system would be precisely equivalent to the present. It would not depress the price of cotton more, to the injury of the Southern cotton-planter; it would not enhance the price of imports more, to the advantage of the Northern cotton-grower, and the injury of the consumers generally. In a word, all the political economists in the Union, may be confidently challenged, to point out a single particular, in which the supposed discrimination, would be more injurious to the planting States, or beneficial to the manufacturing States, than that which now exists.

We have discussed and elucidated the three foregoing propositions of Mr. McDuffie, thus at length, because we regard them as so many political equations, each calculated to furnish a plain and palpable standard, by which the weight and measure of the Tariff, as a system of unequal and oppressive taxation, may be precisely estimated and clearly and distinctly perceived by the most ordinary understanding.

We shall now proceed—assuming these as postulates in our future remarks—to inquire what are the relative burthens and

benefits imposed and conferred by the Tariff, upon the planting and the manufacturing States respectively?

It is to be remarked, in the first place, that if *either* of these propositions be true, the glaring and monstrous inequality of the Tariff, in its relative operation upon these two sections of the Union, can be no longer the subject of doubt, even with the most interested of our oppressors. For what can be imagined more unequal and unjust, as a system of taxation merely, than an export duty—yielding fully one-half of the Federal revenue—levied upon cotton and rice alone, the productions of less than one-fifth part of the citizens of the United States? How could the producers of these staples relieve themselves from the enormous burthen of twelve millions of dollars, imposed upon their productions by the Federal Government? Could they get any more in the markets of Europe for their cotton and rice in consequence of the imposition? No one will maintain that they could; for they would come in competition, in those markets, with the cotton and rice of all the regions of the world that produce them. Could they obtain foreign manufactures any cheaper, in consequence of the duty? The supposition is an absurdity on the very face of it. How, then, could they indemnify themselves, for the duty paid to the government on the export of their productions? There would be but one possible mode—by demanding and obtaining, from the consumers in the United States, a higher price for the imports received for their staples. Could they do this? It would result from the view, which certain politicians take of the effect of import duties, that they could not; and, of course, that the *whole* burthen of the export duties would ultimately rest upon the producers of the exports. The same course of reasoning which leads to the conclusion—that a duty upon imports can have no effect upon the price of the exports given for them—would equally prove that a duty upon exports can have no effect upon the price of the imports obtained for them. Accordingly, we find that all those who deny that import duties affect the planters, as producers, seem to take it for granted, that an export duty would fall upon them *exclusively*, because levied on them in the first instance. But this is just as untrue as that *no part* of the import duty levied on their exchanges, would fall upon them. The price of manufactures imported in exchange for cotton would be just as much enhanced by an export as by an import duty. We must look through the whole circle of transfers, from the time the cotton leaves the hands of the producer, until it reaches, in its final form of manufactures, the hands of the consumer; and a duty levied upon any one of those transfers,

is precisely equivalent, both as it regards the producers and consumers, to the same duty levied on any other of them. But those who view just one-half of the operation, cannot perceive how the price of imported goods can be enhanced by an export duty upon the cotton exchanged for them; because, forsooth, the business of exporting cotton and importing the manufactures obtained for it, are separate transactions, generally conducted by different persons; and because the importing merchant makes no calculation of the duty that had been paid on the cotton given for them, when he purchases foreign manufactures, or when he sells them! It is true, that foreign manufactures could be purchased precisely as cheap in Liverpool or Havre, under a system of export duties, as they can now; it is also true, that they could be imported into the United States without paying any duty at all; and consequently, any one who should confine his view exclusively to the importing merchant, would come to the conclusion that imported manufactures would be as much cheaper under a system of export duties, than they are under the existing system, as would equal the whole amount of the present import duty. Yet no supposition can be more erroneous. The demand for imports would be the same in the United States as it is now, neither greater nor smaller. The supply would be the same, it being of course assumed, that foreign manufactures could be received free of duty, only in exchange for exports charged with duties equal to the present import duties. It follows, as a corollary, that the price would be the same. Let us trace the mode of operation for a moment. The importing merchants would find that they could afford to sell their goods some forty or forty-five per cent. cheaper than at present, as these goods would be exempted from that much duty, and yet cost them no more in Liverpool or Havre. But they would also find the very same demand and supply in the market of the United States; and upon what principle of trade would they be guilty of the gratuitous folly of selling their goods for a lower price, when they could obtain a higher; or in plain terms, for less than the market price? They would do no such thing. The consequence would be that after fixing their price at the present rates, under a compromise with the Northern manufacturers and the consumers, they *could* make a profit of twenty per cent. more, than when they paid a duty of forty per cent. upon their imports. The *intrinsic value* of imports would be increased in that degree precisely. The cotton-planters or the exporters of cotton, would have the sagacity to find this out; and they would demand precisely

as much more for their cotton, as would equal this increased value of the imports obtained for them. If no one would give them this increased price in money, they would have the common sense to see that by importing the foreign goods themselves, they could certainly realize it. Thus it is, that when the whole matter came to be adjusted, imported goods would be neither higher nor lower than they are at present, and the cotton-planter would obtain the same price for his cotton. This argument becomes still more striking upon the supposition that the whole import duty is paid by the consumer. For if that were true, it would follow, that upon changing the import into export duties, the importing merchant could, in the first instance, make forty per cent. more upon his imports than he does now, inasmuch as they would cost him no more in Europe, and the demand and supply in the United States being unaltered, he could obtain the same price for them here. Of course his profits would be increased by the whole amount of the duty repealed. As we stated before, the intrinsic value of imported goods would be increased in the same degree, and the exporters of cotton would take care to obtain for it, the value of the imports it would purchase, and thereby reduce the profits of the importing merchant to their proper level. And thus it would follow, from the erroneous theory that the consumer pays the whole duty, that the imported goods obtained for cotton, would be precisely as cheap in the United States, under an export duty upon cotton, as if no duty at all were imposed either upon the exports or imports; leaving the cotton-planter to bear the whole burthen of the export duty, without ultimate indemnity for any part of it.

Let us now examine the operation of the system of Federal taxation, upon the supposition, that the Southern planters manufactured by machinery, the goods now imported in exchange for their staples, and that a discriminating excise duty were imposed upon their manufactures equal to the duty now imposed upon their imports. This, we have shewn, would be precisely equivalent to the existing Tariff. How would it operate, respectively upon the Southern manufacturers, the Northern manufacturers, and the consumers? It is obvious that the Southern manufacturers would pay the excise duty in the first instance, and would, of course, ultimately bear the burthen of it, except so far as they could throw it upon the consumers. To what extent could they do this? The only possible manner in which they could do it at all, would be by enhancing the price of their manufactures. Assuming the duty they paid to be forty per cent. could they obtain that much more for their manufactures? It must be here remembered that the Northern man-

ufactures supply two-thirds of the whole consumption of the country, and that they would pay no duty at all. They could of course, afford to sell their manufactures as cheap, as if no duty had been imposed on their Southern competitors. If, therefore, these latter should demand forty per cent. more for their manufactures, in consequence of the duty, they would demand what they certainly would not get. They would have to make their election between selling as low as their competitors, and not selling at all. They would, of course, prefer selling as low as their competitors. How low would that be? As low as they sold before the duty? At first it probably would, very nearly; but prices would finally adjust themselves to the average cost of production, making a compound estimate of the Southern and Northern, the taxed and the untaxed manufactures, which make up the whole consumption of the country. It will be seen that we regard the tax upon the Southern manufactures, as being precisely the same thing, as increasing the cost of their production, forty per cent. The result of this average would be, that manufactures, would sell only thirteen and one-third per cent. higher, in consequence of a duty of forty per cent. levied upon one-third of them. The Southern manufacturers, therefore, paying forty per cent. to the government, and getting back only thirteen and one-third from the consumer, would sustain a loss of twenty-six and two-thirds per cent. *as producers*; while the Northern manufacturers would not only be entirely exempted from this burthen—in itself an unjust discrimination—but would obtain thirteen and one-third per cent. more for their manufactures, in consequence of the duty imposed upon those of the South. It is too palpable to be disguised, that while the Southern manufactures would lose twenty-six and two-thirds per cent. the Northern would gain thirteen and one-third per cent. by the duty; making a difference of just forty per cent. between them. And yet there are those among us, speaking from high places, who maintain that a system precisely equivalent to this is perfectly just and equal as it regards the different sections of the Union, and imposes no burthen upon the Southern planters—who stand in the place of the Southern manufacturers here supposed—that is not equally borne by all the citizens of the United States, as consumers! How, then, would the consumers be affected by the supposed excise duty? We admit that it would enhance the price of manufactures equally, all over the Union, and consequently that all the consumers of the United States, considered merely as consumers, would be equally affected by it. But what would be the aggregate effect upon the two sections of the Union? Assuming that the Northern sec-



tions—constituting two-thirds of the Union—should consume the two-thirds of the manufactures which are made there, it would follow, that while the consumers in that section would pay thirteen and one-third per cent. more for manufactures; the manufacturers would obtain just that much more for them, in consequence of the duty; and as the quantity produced there would be equal to the quantity consumed, it would clearly result that the Northern States, as a section of the Union, would gain precisely as much as it would lose by the duty.

We will now inquire how the proposed system would operate upon the Southern section of the Union. The Southern manufactures, we have seen, would pay two-thirds of the duty, as producers, and as the Southern consumers would use just about the quantity of manufactures made in the South, they would pay the other third, in the increased price of manufactures. The whole amount of the duty levied upon their productions, would consequently fall upon the people of the Southern States, while no part of it would fall upon the Northern States as a section of the Union. The aggregate annual revenue of the former, would be diminished the full amount of the duties, while that of the latter would not be diminished at all. The injustice and inequality of this system would be in no degree diminished—as it has been maintained—by the considerations, that the Northern consumers would participate with those of the South, in paying that portion of the duty which would fall upon consumption, and that the Northern producers who would receive the same amount, as an indirect bounty, constitute a minority of the people of the Northern States. When we perceive that two-thirds of the burthen of a very enormous duty levied upon our productions, unjustly falls upon our planters, in order to give an equivalent benefit to the manufacturers of the North, are we to be told that it is not a sectional injustice, and that the Southern States have no peculiar cause of complaint, because the plunder is not equally divided among the people of the States that commit the outrage? Suppose that the manufacturers of the North were feudal barons, and the persons dependent upon them and connected with them in various ways, were their retainers—and that some ten thousand of these barons, were to march to the South, at the head of two or three hundred thousand of their retainers, to plunder our plantations by arms, as they now do by legislation; would it be any mitigation of the injury done to the South, that the great body of the people in the Northern States did not participate in the enjoyment of the spoil, or even that they were compelled to defray the expenses of those plundering expeditions.

We will now examine very briefly, the operation of the discriminating import duties, assumed in the last of Mr. McDuffie's political equations. It is assumed that the Northern people instead of manufacturing goods as they now do, obtain them by the process pursued in the Southern States, that is to say, by making cotton and exchanging it for foreign manufactures. It is also assumed that the Northern cotton growers cannot sell cotton as cheap as those of the South, and that, to place them on an equality, a duty of forty per cent. is laid upon the imports obtained for Southern cotton, while those obtained for Northern cotton, are entirely exempted from it. This we have shewn to be exactly equivalent, in all respects, to the existing system of protection. How then, would it operate? And first, upon the Southern planters? They would be subject to precisely the same burthen that they now are, without even a change in its form, the very same duty being imposed upon the imports obtained for their cotton. What would be the effect of that duty upon the price of imported manufactures? Would it enhance it forty per cent. and thereby throw the whole burthen upon the consumers? No one will maintain such a glaring error, in this case, though many do, in a case precisely analogous. The dullest must perceive that a duty of forty per cent. on one-third part only of the national imports, would not have the same effect upon their price, as the like duty upon the whole of them; or in plainer English, that a tax of one million is not quite equal to a tax of three. And yet it requires but a small share of attention to perceive, that the exemption of manufactures *made* in the Northern States, from the duty in question, must have precisely the same effect upon the price of manufactures generally, as the exemption of manufactures *imported in exchange for Northern cotton*. The *thing* is the same; the *name* and the *form* only are different. The price of goods would be adjusted, as we stated in a former case, to the average cost of the whole mass; the imports of the South costing forty per cent. more than those of the North after having passed the custom-house. If the Northern imports should be twice the quantity of the Southern, the price of manufactures would be increased only thirteen and one-third per cent. at the furthest. Now what would be the relative condition of the Southern cotton planters? The manufactures obtained for their cotton would command no higher price in the United States, and could be purchased in Europe for no lower price, than those obtained for Northern cotton; and yet the former would pay a tax of forty per cent. from which the latter would be exempted. Would a bale of cotton be worth as much to a Southern planter, as a producer merely, as it would to a

Northern cotton-grower? The difference—too palpable to be disguised by any sophistry—would be precisely forty per cent. As we have stated before, cotton is worth precisely as much to the planter or exporter, as the goods obtained in exchange for it; and there is no axiom in Euclid's Elements more clear, than that imports which pay a duty of forty per cent. are intrinsically worth that much less than those which pay no duty at all, *when they both cost the same price in Europe, and sell for the same price in the United States.* And how would the Northern cotton-growers be affected by the supposed system? Would they derive any greater advantage from it than the manufacturers now do from the existing Tariff? Certainly they would not, but the very same. The intrinsic value of their cotton, or, which is the same thing, the imports obtained for it, would be increased precisely as much by exemption from the duty laid on Southern imports, as if they were manufactured by machinery. How would the consumers be affected? Precisely as they are by the present Tariff. The duties would be the very same and upon the very same things; the exemption from duties would be the same also, and in favour of the very same things—acquired, however, in a different mode.

The erroneous theory, that the whole burden of an indirect tax falls upon the consumer, is an admirable contrivance for disguising the injustice and enormity of unequal taxation. If taxation operates only upon the consumers and in proportion to their consumption, no indirect tax, however partial, as to the productions upon which it is laid, can be unequal and oppressive in its operation, provided the productions taxed are generally consumed. And even where a small portion only of a given production is selected for proscriptive taxation, where for example a heavy tax is exclusively laid upon the manufactures of a single State, it is perfectly evident that it would operate equally upon all the consumers of the United States, considered as consumers merely, inasmuch as the price of the taxed articles could not be higher than that of the same description of articles which paid no tax. As almost every article is of general consumption, scarcely any indirect tax, upon this theory, could be unequal in its operation. The whole revenue of the government might be raised by a tax upon a single article, produced in only a few of the States—(according to a paradox advanced in a Northern Review,) and yet no section of the Union, no class of producers, would have any just cause to complain of the injustice of the measure. From this very obvious difference between production and consumption—the former being *local*, as to the great rival staples of the Union, and the

latter *general*—it obviously results that the inequality of our system of indirect taxation consists almost entirely in its operation upon the producers. Hence the natural anxiety of our oppressors to confine the public attention exclusively to the effect of the Tariff upon the consumers; throwing the producers entirely out of view, as if they were utterly inaccessible to the power of taxation.

We propose, therefore, to present some views illustrative of the theory which divides the burthen of our import duties between the producers and consumers, in addition to those which have been incidentally thrown out in discussing the three foregoing propositions of Mr. McDuffie. And we will remark in the first place, that nothing is more striking in the history of the human mind, than the very slow advances by which it has reached what are now regarded as almost self evident truths. The old notion with regard to import duties was, that they were taxes upon the importing merchants; and perhaps centuries passed away under this impression, without any more concern for the consumers, than is now manifested, in certain quarters, for the producers. Though it was a very narrow, it was a very natural view of the subject, which assigned the whole burthen of the tax to those who actually paid it in the first instance. At length this was discovered to be a great error, and the philosophers who made the discovery, bounding at once to the opposite extreme, maintained that the consumers finally paid the whole duty, in the increased price of the imports they used. This erroneous theory, aided by the interposition of the merchant between the producer and consumer, has maintained its ascendancy, very generally, even to the present day. Upon what foundation of reason does it rest in any case, but more especially, where the productions subject to the import duty come in competition with productions of the very same kind, which pay no duty at all, as is the case in the United States under the present Tariff? In future, and not distant times, it will be thought almost incredible that so plain an error could ever have been imposed upon an enlightened age.

A bare statement, in plain language, of the certain and admitted results of this theory, as applied to the present import duties of the United States, will furnish its refutation. There are eight millions of cotton manufactures *imported* into this country, paying an average duty of more than forty per cent. and there are estimated to be sixteen millions of the very same sort of manufactures *made in* this country, which pay no duty at all. Now it is contended that the whole duty laid upon the eight millions of manufactures imported, falls upon the consu-

mers of them, and consequently that their price is enhanced in the market just forty per cent. by the duty. But, as the same sort and quality of goods cannot be sold at different prices in the same market, it follows that the price of the sixteen millions of domestic manufactures paying no duty, must also be enhanced forty per cent. Now mark the resulting absurdities, which would forcibly strike a boy of ten years old. If a duty of forty per cent. had been imposed upon the *whole* consumption of the country, or more plainly, if that duty had been laid as well upon the sixteen millions of domestic, as upon the eight millions of imported goods, it will not be pretended that the price of cotton manufactures could have been increased *more* than forty per cent. even in that case. It would clearly result, that a duty of forty per cent. upon eight millions of goods, is as burthensome to the consumers as the same duty upon twenty-four millions, and of course, that a revenue of three millions two hundred thousand dollars, collected by the government, draws just as heavily upon the resources of the consumers as a revenue of nine millions six hundred thousand dollars!! What an unwise government, not to obtain the larger revenue, when the burthen would be same! But another result is worthy of notice. The whole amount of the burthen imposed upon the consumers, beyond what the government receives, goes as a bounty to the Northern manufacturers, and of course upon cotton manufactures alone, they receive a bounty of six millions four hundred thousand dollars, through the impost, while the government receives only half that sum. What is the effect of this bounty in excluding foreign manufactures and substituting domestic? If we assume the highest profits of the manufacturers now at thirty per cent. it is clear that the repeal of a duty which yields them a bounty of forty, would induce them to abandon the business entirely, as they surely would not make manufactured goods to sell them at a loss of ten per cent. The repeal of the duty upon imported cotton goods, would, therefore, give to the importers of those goods the whole market of the United States, extending the demand for their imports from eight to twenty-four millions—a clear addition of sixteen millions, to the imports received in exchange for cotton and rice. It would be difficult to estimate the profit which would accrue to our planters from this increase, but upon no principle can it be estimated at less than six millions four hundred thousand dollars, the sum which the manufacturers derived, as an indirect bounty, from the duty repealed. As the benefit which would accrue to the planters from the repeal of the duty, is the true measure of the burthen it now imposes upon them, here

would be a burthen of six millions four hundred thousand dollars, to be added to the nine millions six hundred thousand dollars borne exclusively by the consumers ; making the whole burthen thrown upon the country by the duty on cotton goods alone, sixteen millions of dollars—equal to the entire value of the domestic cotton fabrics !! It is true that the six millions four hundred thousand dollars is only taken from the planters and given to the manufacturers, and does not diminish the aggregate national income. It is only so much annual plunder taken from one branch of domestic industry, and given to another. And such would be the genuine character and operation of the Tariff, if it were true, that a duty upon one-third part of the national consumption, enhances the price of the whole consumption, to the full amount of that duty. But it is trifling with the plainest dictates of common sense, to suppose it would have any such effect. The utmost extent of the burthen which can be fairly assigned to the consumers, is the sum collected by the government, and this necessarily diffuses itself over the whole mass of production, as well as that which is untaxed as that which is taxed. Whatever additional burthen may result from the duty, grows out of its prohibitory effects, consists of excluding the productions of one branch of domestic industry and substituting those of another branch, and must fall exclusively on the producers of the excluded articles.

We deem it of so much importance, to a correct understanding of the operation of indirect taxes, that we must be excused for presenting some arguments and illustrations to confirm the position, *that in no case can the consumers of a given article be subjected to a greater burthen than will equal, in the aggregate, the amount of taxes actually collected on it by the government.* If, for example, an equal duty were levied upon the whole amount of cotton manufactures consumed in the United States, domestic and imported, (we will suppose thirteen and one-third per cent.) it is apparent that the government would receive into the treasury just three millions two hundred thousand dollars, assuming that the cotton manufactures consumed, amounted to twenty-four millions of dollars ; and it is equally apparent, that the burthen thrown upon the consumers by this duty, would be something less than three millions two hundred thousand dollars. In no case can the producers throw the whole burthen of a tax upon the consumers, except where they enjoy a monopoly of an article of which the supply is not equal to the demand, and it is doubtful whether they can in any possible case. But in the case of cotton manufactures, which can be indefinitely

produced by the agency of machinery, and for which so many domestic substitutes can be obtained by the consumers, it is evident that the whole amount of the tax collected by the government, would not fall upon the consumers; or, in other words, that the price of these manufactures could not be enhanced thirteen and one-third per cent. in consequence of the imposition of that rate of duty. The imposition of the duty and the consequent increase of price, would necessarily diminish the consumption; and this circumstance alone, would, upon the most obvious principles, throw a portion of the burthen upon the producers, by compelling them to sell a smaller quantity of the taxed article, and at a lower price than would result from adding thirteen and one-third per cent. on account of the duty.

To suppose that the price of cotton manufactures could be enhanced to the full amount of the duty, would involve the solecism that the same quantity of these fabrics would be consumed at this increased price, as would have been consumed at the natural price. We take it, therefore, as established, that the whole burthen of the tax actually levied and received by the government, cannot be thrown upon the consumers, even where the entire quantity of the article which is consumed in the country, is subject to the duty. How utterly impossible must it therefore be, to throw the whole amount of the tax upon the consumers, when the duty is laid upon only one-third part of the whole consumption of the country? It follows as necessarily as any corollary in mathematics, that a duty of forty per cent. upon eight millions of dollars of imported cotton manufactures, which come into competition with sixteen millions of dollars of the same fabrics manufactured in the United States, and paying no duties at all, cannot throw upon the consumers of cotton manufactures generally, a burthen equal to the tax levied and collected by the government. The sum collected by the government is three millions two hundred thousand dollars; and even if we were to concede (what cannot be maintained) that the whole of this sum ultimately comes out of the pockets of the consumers, it would be equally drawn from the whole mass of cotton manufactures, including the sixteen millions of dollars made in the United States and not taxed, as well as the eight millions of dollars imported and subject to a duty of forty per cent. It is a self-evident proposition that imported manufactures paying the duty, cannot be sold higher in the same market, than domestic manufactures of the same kind, which pay no duty. Even, therefore, upon the gratuitous concession that the three millions two hundred thousand dollars levied by the government would ultimately and exclusively fall as a tax upon the consum-

ers, it would enhance the price of cotton manufactures only thirteen and one-third per cent.; for that rate of duty upon twenty-four millions of dollars, the amount of cotton manufactures consumed in the country, would yield precisely three millions two hundred thousand dollars, the sum levied by the government. It unavoidably results, that only one-third part at the utmost of the forty per cent. levied by the government on imported cotton manufactures, is ultimately paid by the consumers of these manufactures. We think with Mr. McDuffie, that the other two-thirds, "silently and imperceptibly pass, by the legerdmain of this nefarious system, from the pockets of the planters, and are very snugly lodged in the pockets of the manufacturers." The duty paid at the custom-house, by the importing merchant, upon imported manufactures is forty per cent. and we have seen that he can get only thirteen and one-third per cent. more from the consumer, than he could if there was no duty at all. Unless, therefore, the remaining twenty-six and two-thirds per cent. abides as an unindemnified burthen upon the merchant, which no one will maintain, or falls upon the foreign producer, which we have shewn to be impossible, it follows of absolute necessity, that it must fall upon the domestic producer, of the staples exchanged for imports—the cotton or the rice-planter.

We have been astonished to perceive that some of those who admit that the whole burthen of the duty is not borne by the consumer, still deny that the portion which the consumer does not bear, is sustained by the producer. Surely somebody must bear the burthen of every tax direct or indirect. What does not fall upon the consumers must fall upon the producers, unless some other class of persons can be pointed out which sustains that portion of the burthen. No government has yet discovered the art of raising revenue without imposing somewhere, a pecuniary burthen at least equal to the sum levied.

We are aware that persons who confine their attention to an isolated case, and perhaps to one-half of the operation by which our foreign exchanges are affected, are utterly at a loss to perceive how it happens that the importing merchant continues his business, unless he can increase the price of his imports to the full amount of the duty, beyond what he would obtain for them if no duty were exacted. The merchant, undoubtedly, must add the duty to the cost of his merchandize, or he would sell it for less than its cost. The duty, indeed, is to every intent, a part of the cost. But it by no means follows, that if a given manufactured article would sell for a dollar a yard, if no duty existed, it can now be sold for one dollar and forty cents, in consequence of a forty per cent. duty. If no duty existed,



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We are aware that persons who confine their attention to an isolated case, and perhaps to one-half of the operation by which our foreign exchanges are affected, are utterly at a loss to perceive how it happens that the importing merchant continues his business, unless he can increase the price of his imports to the full amount of the duty, beyond what he would obtain for them if no duty were exacted. The merchant, undoubtedly, must add the duty to the cost of his merchandize, or he would sell it for less than its cost. The duty, indeed, is to every intent, a part of the cost. But it by no means follows, that if a given manufactured article would sell for a dollar a yard, if no duty existed, it can now be sold for one dollar and forty cents, in consequence of a forty per cent. duty. If no duty existed,

for example, on cotton manufactures, the importing merchant would undoubtedly make a much larger profit on these fabrics than he now does. Where he now makes ten per cent. he could then make thirty; and this high rate of mercantile profit would be the *first* effect of a total repeal of the duties, as we shall more fully explain hereafter. When it is maintained, therefore, that the whole amount of the impost duties cannot be thrown upon the consumers, it is not intended to convey the idea that the importing merchant actually loses a part of the duty which he pays at the custom-house; but that he loses a part of the extraordinary profits which he would make under a system of free trade—profits which would enable him to give a corresponding increase of price for the cotton and rice with which he purchases foreign manufactures.

As we have already stated incidentally, the benefit which would result to the cotton-planters, from the total repeal of the duties upon the imports received in exchange for cotton, may be regarded as the exact measure of the burthen imposed upon them by those duties. What then, would be the benefit which this repeal would confer upon the cotton-planters? Would it be merely that of enabling them, in common with other consumers, to obtain certain articles twenty or even forty per cent. cheaper? This, as we now propose to shew, would be absolutely trivial, in comparison with the vast advantages which would accrue to them, as producers. It may be safely assumed that the domestic manufactures of iron, of cotton, in its different forms, of wool, and the various other articles protected by the Tariff, amount to at least thirty millions of dollars. The advocates of the Tariff represent them to amount to two or three times that amount. If the Tariff, by which these domestic manufactures are unjustly and unconstitutionally—(as we think)—protected from the competition of those foreign manufactures which are the only beneficial exchanges our planters can receive for their staples, were entirely repealed, is it not apparent that it would seriously, if not ruinously injure the Northern manufacturers as producers? And is it not equally apparent that it would benefit the cotton-planters, as producers, at least to the extent that it would injure their competitors? To whatever extent a protecting duty of forty or forty-five per cent. has the effect of building up and sustaining domestic manufactures, which could not exist without the protection; to that very same extent will the repeal of the duty operate to exclude the domestic manufactures from the market, and substitute in the place of them, those very imports which are received in exchange for our staples. To what extent, then, would the total

repeal of the protecting duties diminish the production of domestic manufactures in the United States? If we were to believe Mr. Davis and other advocates of the protecting system in Congress, or if we were to believe those theorists, who maintain that the whole burthen of the duties fall upon the consumers, and consequently that a repeal of these duties would reduce the price of manufactures forty or forty-five per cent.—in either of these cases, we must conclude that the repeal of the protecting duties would utterly destroy the manufacturing establishments in this country. But we will not use a false position against an adversary, though it be his own. The repeal of the duties in question would not break up the domestic factories, as Mr. Davis asserted, nor reduce the price of manufactures forty or forty-five per cent. as maintained by the aforesaid theorists. It may be fairly supposed, however, that it would diminish the production of domestic manufactures to the amount of fifteen millions of dollars, and it would certainly increase the importation of the rival manufactures which are obtained in exchange for cotton and rice to a still greater amount, for the obvious reason that more imported goods would be consumed at low prices than domestic goods at high prices. Here, then, would be an increased demand for the productions of the agricultural industry of the South—for cotton and rice converted into manufactures—to the amount of, at least, fifteen millions of dollars; and the entire benefit which would result from this increased demand would accrue to the planters, as producers. Who can estimate the increased prosperity which would gladden the staple growing states from this increased demand for their productions? We have been repeatedly told, that our sufferings do not proceed from the Tariff, but from the excessive production of cotton beyond the efficient demand. But is it not evident that this very excess of production, beyond the demand, is produced principally by the restrictions imposed by the Tariff on our rightful commerce? Whatever diminishes the demand for cotton tends as directly to produce a surplus beyond the demands, as an actual increase of production. It is obvious that the entire repeal of the protecting duties would increase the European demand for *American* cotton from four to five hundred thousand bales. The consequence would be that the supply would be quite inadequate to the demand, probably for several years. During this period the price of cotton would be greatly enhanced in price; and even after the supply should overtake or exceed the demand, and the price should come down to the present standard, *the annual income of the staple growing states would be increased to the full extent of the*

*increased demand for their staples.* 'To this extent the permanent prosperity of the States would be increased, by the repeal of the protecting duties.

But let us examine, a little more in detail, the manner in which the repeal of those duties would operate, first upon the different classes and sections of the Union, and secondly upon the value of cotton. The most palpable of all the effects of the repeal would be the substitution, or more properly, the restitution, of fifteen millions of manufactures, the product of Southern capital and labour, in the place of the same amount of manufactures, the product of Northern capital and labour. As these latter manufactures were forced into the place of the former, by the unjust and unconstitutional agency of the government, their displacement would be nothing more than a tardy restoration of rights long usurped by our oppressors. But be this as it may, it is certain that the classes and sections of the Union that would be most affected by the repeal, would be the Northern manufacturers, who would be greatly damaged—*dumnum absque injuria*—and the Southern planters, who would be immensely benefited without violating, in a solitary respect, the rights of any other class of the community. The consumers (whom we are taught to regard as the only persons interested) would stand by, comparatively, disinterested spectators, while the manufacturers would make the very welkin ring with their clamorous complaints, and the planters would illuminate the heavens with bonfires.

But what, let us inquire, would be the effect produced upon the value of cotton, by the repeal of the protecting duties? We use the term "value" in its strict philosophical sense, and not as synonymous with "price." As we have incidentally hinted before, *the value of cotton is precisely equivalent to the value of the manufactures which can be obtained for it.* And although the planter may have parted with all right in it, long before it is exchanged for these manufactures, yet as the person who actually makes the exchange can afford to give for the cotton, a price exactly proportioned to the value of the goods he obtains for it, the value of these goods necessarily determines the value of the cotton to the planter, or the price which the first purchaser can afford to give him for it. If we show therefore, that the intrinsic value of these manufactures, into which our cotton is converted by exchange, would be enhanced by the repeal of the duties now laid upon them, we shall at the same time show, an equivalent increase in the value of cotton; these being essentially equivalent and convertible values. What, then, would be the effect produced, by a total repeal of the duties on cotton

and woollen manufactures, on the value of these manufactures, *to the persons who should sell them in the United States?* Let us suppose, to present a plain illustration of the question, that the merchants engaged in this branch of trade, should immediately on the repeal of the Tariff, invest ten millions of dollars worth of cotton in the aforesaid manufactures. They would cost no more in Liverpool or Manchester than they did before the repeal, and as the duty they formerly paid was to those who brought them into the market of the United States, a part of the cost of production, it would follow that the aggregate cost of production would be four millions of dollars less, after the repeal of the duties, than before, assuming the duties to average forty per cent. Can it be believed, that a change of things which would diminish the cost of producing imported cotton and woollen manufactures forty per cent.\* or which is the same thing—of obtaining and bringing them into this market—would not increase the value of those manufactures to the persons importing them? It must be borne in mind that the demand for these articles would most assuredly not be diminished by the repeal of the duties, and that the supply would not be increased, except so far as it consisted of these imported manufactures. We may assume that two thirds of the consumption of the country, consists of domestic manufactures, and it is obvious that there will be no increase, or tendency to increase, in this part of the supply. The cost of producing domestic manufactures, would be in no degree diminished by repealing the duties on their imported rivals; and of course the domestic manufactures could not afford to sell their fabrics any cheaper than before. In this state of things can any one seriously imagine, that the price of cotton and wollen manufactures would fall forty per cent. in consequence of the repeal of that rate of duty on one third part of the supply? By tracing out the operation it will be seen to be impossible. It is true, those who import cotton and woollen manufactures, could afford to sell them forty per cent. cheaper than they could before the repeal, but it is equally true that the domestic manufacturers, who supply two thirds of the national consumption, could not afford to sell their fabrics any cheaper. The price of cotton and woollen manufactures generally, would be governed more by what the Northern manufacturers could afford to take, than by what the importers could; in the proportion that the supply furnished by the former exceeded that furnished by the latter. It

\* We have all along spoken as if taking off and adding on a given per cent. were corresponding operations. They are not so, but as it does not change the argument, we have done it for the sake of simplicity.

would result, upon plain and obvious principles, that the aggregate diminution of the price of all the manufactures consumed, imported and domestic, would be precisely equal to the aggregate diminution of the cost of production. We have seen that the aggregate diminution of the cost of production—being confined to the ten millions of imports—would be only four millions of dollars; but as there are twenty millions of domestic manufactures to be taken into the estimate, it follows, that the cost of producing the whole thirty millions would only be diminished thirteen and one-third per cent. amounting to four millions precisely. The price of cotton and woollen manufactures would consequently fall only thirteen and one-third per cent. in consequence of the repeal of the duties upon the portion of them we import. How, then, would the value of imported manufactures be affected by the repeal? That value would be increased precisely twenty-six and two-thirds per cent.; for as the cost of their production would be diminished forty per cent. by the repeal of the duties, and their selling price only thirteen and one third, the difference clearly indicates the increase added to their value. And this is exactly the increase that would be added to the intrinsic value of cotton.

To suppose that the repeal of the protecting duties would diminish the price of manufactures forty or forty-five per cent. (a diminution equal to the average of the duties repealed) would be to take it for granted, that the domestic manufacturers would forthwith reduce their profits, according to the notion of a certain member of Congress, two hundred per cent.; that is to say, those who now make a profit of twenty per cent. would agree to carry on their business at a profit of twenty per cent. less than nothing. It is certain that these manufacturers would abandon their business, unless they could get within ten or fifteen per cent. of the price they formerly obtained for their goods. In either event, imported manufactures would not fall any thing like in proportion to the duties repealed. For, if the domestic manufacturers should abandon their business, the supply of manufactures would be so greatly below the demand, that this circumstance alone would keep up the price of imported manufactures very nearly to what it was before the duties were repealed. On the contrary, if the domestic manufacturers continued their business, receiving within ten or fifteen per cent. of their former prices, it would follow of course, that the importers would receive the same price for their imports.

Pursuing the idea that the repeal of the duties of imports would be to all intents and purposes diminishing, to that extent, the cost of their production to the American importer, we

will suppose that twenty millions worth of manufactures were supplied by Northern factories, and ten by those of the South; and that in this state of affairs, the Southern manufacturers should make an invention by which they could fabricate manufactures forty per cent. cheaper than they did before, and that much cheaper than their Northern competitors, from whom the invention was kept secret. This would precisely illustrate the effect of repealing the protecting duties, upon the Northern manufacturers and Southern importers. And yet would any one imagine that the Southern manufacturers would derive no benefit, *as manufacturers*, from this invention, but that the whole advantage would accrue to the consumers of manufactures? On the contrary, the Southern manufacturers would obtain the very same price for their manufactures, that their Northern competitors could obtain for theirs, although the cost of their production would be forty per cent. less. Does it not irresistibly follow that the former would make a profit of forty per cent. more than the latter? And does it not, as clearly result, that the repeal of the protecting duties would increase the profits of those who are the real American producers of the manufactures obtained in exchange for cotton, just forty per cent., *as compared with that of the Northern manufacturers?*

No just or adequate conception can be formed of the injustice and inequality of the protecting system by those who regard its operation upon the consumers merely; for, as a duty of forty per cent. upon only one hundredth part of the manufactures consumed, would equally affect the price of the whole mass of them, and consequently the consumers, though it certainly would not enhance the price of manufactures one half of one per cent., it is too clear to be doubted, that the consumers would be utterly indifferent to such a tax, while those producers who should be selected as the victims of this scheme of partial taxation, would be utterly ruined and driven out of their employments. The manufacturers allege that they can make domestic goods as cheap as the foreign can be imported. They even maintain that the duties imposed upon imported manufactures actually make all manufactures cheaper. It would follow, that they can make manufactures for less than they can be imported. What, then, if this be the fact, is the inevitable effect, of a duty of forty per cent. levied upon imported manufactures? Is it not the exclusion of those imports entirely, and the substitution by arbitrary and tyrannical legislation, of domestic manufactures in their place? And who are the parties injured? The consumers who obtain goods cheaper in consequence



of the duty? This would involve a direct and palpable contradiction; unless, indeed, it is a tax upon the consumers to obtain manufactures at a cheaper, rather than a higher rate. The persons really affected by the duties, in the case just stated, would be the two rival classes of producers—those who supplied the market with imported manufactures, and those who supplied it with domestic manufactures. The former would be utterly excluded from the market and deprived of their rightful occupation by the interposition of the power of the government, and the employment thus unrighteously wrested from those to whom it belonged by every natural and political title, would be given to those who had no shadow of claim to it, upon any principle divine or human. It cannot admit of a question, that every dollar's worth of imported manufactures excluded by the prohibitory duties, deprives the cotton and the rice-planter of a market for his productions to that extent. While, therefore, the consumers would look upon this contest of life and death between these two classes of producers, with absolute indifference, so long as they were satisfied that it did not enhance the price of manufactures—the cotton and the rice-planters would be almost literally driven off from their estates and compelled to seek out some new employment, not to be sure by the power of military invasion, but by a power equally unjust and equally efficacious, that of unconstitutional legislation.

This idea of the effect of prohibitory duties, upon the different classes of domestic producers, is so forcibly presented in an article on "Free Trade," which appeared in the number of the *Westminster Review*, for January, 1830, that we cannot resist the temptation to make a pretty full extract. As it equally abounds in philosophy and wit, we are sure it will be an acceptable relaxation to our readers, in the midst of this dry and abstract investigation:—

"Take the case which the opponents of Free Trade would put forward as most favourable to their cause, and see if it amounts to any thing but this monkey-policy in the end. Assume, for instance, the case of the glove-maker. Gloves may be had, it shall be supposed, from a French maker, for the value of two shillings a pair. An Englishman stands up, and says that he can make gloves of the same kind, for three shillings, and, therefore, for the sake of encouraging British commerce, it is expedient to pass a law to prohibit the introduction of French Gloves at two shillings, in order that those who choose to wear gloves, may be obliged to take them from the Englishman at three.

"Never mind what quantity of flourishes the supporters of the legerdemain may make to cover the performance. Let it be utterly indifferent to you, what names, sacred or profane, they invoke, to give gra-

vity to their proceedings. If they are poetical, think of the Rule of Three. If they quote Scripture, take care of your pockets. Your money, which is your life, is at stake; therefore, keep a cool head, and a clear eye. The army of thimble-men from Doncaster is upon you, and there is no yeomanry at hand to clear the course. Trust no man that looks like a conjurer; be upon your guard also against those that do not. Beware of the quack-doctors, who make long speeches, they will "ravish you if they get you into their net." Say, like Mr. Sadler, that "all men are liars," and you will not be very far from being right. Believe nobody, nothing—except that two and two make four. If an angel or an archbishop preach any thing contrary to this, give them no heed. If judges on the bench contradict it, tell them they sit there to make law and not arithmetic. You have money, and, therefore, every body is in a plot against you. There is something in your pockets, and you will be beset right and left, till they are cleaned out.

"When you buy a pair of French gloves, it is clear they have been paid for in something. You have the substantial evidence that *you* did not get them for nothing; and so has every body else. They must have been paid for either with goods of English produce, or with goods of some kind—gold and silver included—which have been bought from abroad with goods of English produce, or with bills which are only an order for payment, in one of the other ways, a few days hence, instead of to-day. Unless an Englishman has the art of getting any thing for nothing, in one or other of these ways must they infallibly have been paid for. Here, then, are, at all events, two shillings accounted for out of the three, which are as fairly expended for the benefit of British producers and manufacturers of some kind, as they would be if the gloves were bought from a British glove-maker at the same price. They are paid for to the Frenchman, it may be, in Sheffield goods. But if the glove-maker procure a law that gloves shall not be brought from France, it is plain that Sheffield goods must stop. The glove-maker may gain employment and trade by the alteration, but, it is equally plain, that the Sheffield man must lose.

"So much for the part which consists of *two* shillings. Next for the part which consists of the other *one*. And this, says the glove-maker, is to be a clear gain to British commerce, and it is a horrible wrong if it is deprived of it. Now mark the juggle; look sharply to the shuffling of the balls. If the wearer of gloves is to be forced to expend a shilling more upon the glove-maker, he must expend a shilling less upon somebody else. It may be that he would not have expended it at Sheffield, but at Birmingham; or that it would have been divided among fifty other places which it is impossible to assign by name. But still it is as clear as ever, that the shilling which it is proposed to make him expend *volens volens* upon the glove-maker, must be taken from the custom of some other British manufacturers, somehow and somewhere. There is no deception arising from the payments being made in money; if, instead of shillings, they were made with pecks of wheat, it would be just as true that the third peck which the glove-maker demands a law to put into his own pot, must be taken from the pudding of some British manufacturer, to whom it would other-

wise have gone. Sift this, turn it over; see if it be true or not. Do not allow yourselves to be tamely taken in, because the men who try to do it wear good clothes. Either it is true or it is not. If it is not true, let somebody show where it is false. Till then, take leave to account it correct.

"Here, then, are the whole three shillings perfectly accounted for. It is shown to be a hocus-pocus, and a fraud—that states that any gain arises to British commerce or production, in the aggregate, from the prohibition of the commerce in French gloves, or that any aggregate loss is induced by the permission. The whole amounts only to a plan for robbing a Sheffield man, or a Birmingham, who can make what people will voluntarily buy, for the benefit of the glover, who cannot; for clipping the commerce of some individual who has ingenuity and skill enough to command a market, to add to him who is without."

Now, if we substitute the Northern manufacturers in the place of the British glove-makers, and the Southern planters in the place of the Sheffield or Birmingham manufacturers, we have precisely the case put by the reviewer, with no change but in names. But there are many persons who could understand all this very well, if the Southern planter made the goods in the ordinary process of manufacture, which he obtains from abroad by the process of exchange; but who seem to be utterly deprived of the faculty of reasoning, by the mere circumstance that the goods upon which the duty is levied are manufactured in a foreign country. They cannot perceive that though imported goods are fabricated in Great-Britain or France, the moment they are exchanged for cotton, they become the productions of the cotton-planter, and the cotton given for them becomes the production of the foreign manufacturer; and that, consequently, the law which excludes them from our market excludes the productions of the agricultural labour of the South, inflicting an injury upon the planting States to the full amount of the articles excluded. This description of persons is very happily exposed and ridiculed in the following remarks in the article from which we have just made an extract:

"If a saving is to be made by the introduction of steam-coaches, no effectual opposition can be offered by the dealers in horses, because the public are sufficiently informed to know, that all they expend less upon coach-hire will be expended upon something else instead, and, therefore, the loss of business to horse-dealers will be balanced by an increase of business, of exactly the same amount, to somebody and somewhere, and they (the public) will gain the difference besides. They have a perfect comprehension, that, to put down steam-coaches by act of Parliament, would only be enacting that a quantity of employment and profits should be taken from certain dealers, for the sake of giving to horse-dealers the same quantity of employment and profits, *and no more*,

with the further addition of the loss to the coach-riding public of the whole difference of coach-hire besides. They see distinctly that, to propose such a thing, would be as great an absurdity and injustice, as to propose to enact that a carrier should not grease his wheels, for the sake of causing a great quantity of horse-flesh to be charged to his customers. They are aware that such a piece of legislative dullness as this, would amount to setting up the principle that it was for the interest of every body that every thing should be done in the most bungling and round-about-way possible; and that any pretence to increase national wealth, or stave off national suffering by such processes, must be foolery or worse. All this they know, so long as none of the parties proposes to operate by the intervention of an exchange abroad. But let a single exchange intervene, and the question is too much for them. If the machine in which men are to ride for two shillings instead of three, can only be bought with Sheffield cutlery from France—they are utterly unable to see that the nation profit by steam-riding—the ultimate advantage of employing an English cutler to effect the production of the cheap machine, instead of an English horse-dealer to supply the dear one—is the same as ever. In this case they are ready to join the horse-dealer in begging, first, that the employment may be taken from the Sheffield cutlers; secondly, that it may be taken from the persons at present employed by the expenditure of the shillings of which it is proposed to rob the coach-riding public; and, thirdly, that they, the public, may be robbed of a shilling in their coach-riding, without advantage, in the aggregate, to any body. They can see that it would be absurd to put down the *Omnibus* on the ground that men rode cheaper in it; but they cannot see that if the *Omnibus* could only be got from France in exchange for Sheffield goods, the case would be unaltered. Was it rightly said, that John Bull is a man of one idea, or, at most, of two? And is there any reason why he should encourage himself in being a fool, for the benefit of those who pat him on the back, that they may pick his pocket?"

Now, what is here said of John Bull, may be said with peculiar aptness, of those who would have us to believe, that South-Carolina is more benefited than any State in the Union, by a system which excludes her productions *from her own market*, that the manufacturers of Massachusetts may find a sale there for worse goods and at higher prices than our own planters could furnish, if permitted to enjoy their most sacred natural and constitutional rights. It is, indeed, little short of miraculous, that there should be found among us intelligent men—high dignitaries of State—who sincerely believe that a Tariff having such a tendency and purpose, is an equal system of taxation, as it regards the different geographical divisions of the Union.

To sum up and concentrate the whole argument as to the unequal action of the system, in a single illustration, let us suppose that a company of South-Carolina planters, with a view

to obtain the utmost price for their cotton, should send their crop—consisting of ten thousand bales—to Liverpool, to be exchanged for manufactures; and that these manufactures, costing three hundred thousand dollars, should be brought to the port of Charleston for the purpose of having them landed and sold for the benefit of this planting company. Let us also suppose, that a company of Massachusetts manufacturers should have deposited in a warehouse near the wharf, domestic manufactures of the very same kind, which it cost them likewise three hundred thousand dollars to make. Is it not too obvious to be controverted, that the manufactures brought into port by the company of planters, would be as truly the productions of their industry, as the manufactures of the Massachusetts company would be the productions of their industry? And would not the former be held by a title as sacred and indefeasible as the latter, and have an equal right to the protection of the government in every form, direct or indirect? The answer *must* be in the affirmative. And yet by an odious, unjust and oppressive discrimination, the South-Carolina planters would not be permitted to use or dispose of the productions of their own honest industry, *in their own native State*, until they had paid a duty of forty per cent. while the Massachusetts manufacturers would be permitted to use and dispose of the very same description of articles, the production of their industry—in South-Carolina too—without paying any duty at all! And mark the result. The South-Carolina company of cotton-planters, after paying a duty of forty per cent. would have to sell their manufactures for *the very same price* that the Massachusetts company would obtain for theirs, paying no duty at all. And so the income derived by this company of cotton-planters, from their imported manufactures, would be just one hundred and twenty thousand dollars less than that derived by the company of manufacturers *from the very same quantity and kind and quality of manufactures*; and this result would be produced exclusively by the unjust and unconstitutional interference of Congress! Now, what is true of these two rival companies of importing planters and domestic manufacturers, is true of the whole of these two classes of producers. Assuming, therefore, on the authority of our treasury statements, that the cotton and rice-planters of the Southern States, annually export staples to the amount of thirty millions of dollars, to be converted into manufactures charged with an average of forty per cent. duty; it follows most clearly, that owing to this unjust interference of the Federal Government, the aggregate annual income of all the cotton and rice-planters, is just twelve millions of dollars less than that which the

manufacturers of the United States, derive from the same quantity of productions, of the very same description and quality. And it is the system which incontestibly produces this monstrous and revolting injustice, that has been upheld as a very fair and equitable scheme of taxation, as it regards the planting and the manufacturing States of this Union!!

We are aware it will be said by some, that this would all be true to the very letter, if the cotton and rice-planters did, in point of fact, actually export their staples themselves, exchange them for manufactures, and bring these into the United States, paying the duty. But what possible difference can it make to the planters, whether they export their cotton and rice themselves and import the return cargoes *for the purpose of selling them*, or sell their staples to exporting or importing merchants, who buy them to be applied to the very same purpose. There is no legerdemain in transferring the cotton and rice from hand to hand two or three times before it is converted into manufactures, and then transferring these two or three times, before they are first sold in the United States after paying the duties—by which the effect of these duties can be evaded. No merchant or succession of merchants can make any more out of the cotton and rice than the planters could themselves; and the price they can afford to pay to the planters, depends entirely upon the price which these planters could have realized, if they had exported and sold their own staples, and imported and sold the manufactures obtained for them. And we have shewn conclusively what the planters could realize from their cotton and rice converted into manufactures in this way; and that is precisely twelve millions of dollars less than the manufacturers do realize from the same quantity and quality of productions. Admitting, therefore, that the *consumers* of the United States, wherever resident, are affected equally, or in other words, in proportion to their consumption; yet it is, nevertheless, true, that the Tariff alone makes a difference of twelve millions of dollars between the annual income of the States growing cotton and rice, and those making manufactures of an equal intrinsic value—operating through the producers of these respective articles.

The argument which assumes that a system of indirect taxation must be necessarily just and proportionate, as it regards the different States and divisions of the Union, because it operates equally or proportionately on the consumers every where, may be shewn to be utterly fallacious by a very plain illustration. Suppose just one half of every production consumed in the United States, were made on the south side of a geographical

line equally dividing the Union, and the other half to the north of that line; and that the production of each division amounted to two hundred millions of dollars. Suppose also, that the Federal Government should determine to raise a revenue of twenty millions of dollars, by a duty of ten per cent. on the productions either of the Northern or Southern division. The argument we are answering affirms, that it is wholly immaterial, as it regards the relative burthens of taxation imposed upon the two divisions, upon the production of which division the duties shall be levied. As this is a Northern argument—come from whom it may—we propose to give that division of the Union a fair practical illustration of its effects, as the Southern division has felt them for the last fifteen years. We will suppose, therefore, that Congress should impose a duty of ten per cent. upon that half of the productions of the Union made north of the dividing line, yielding a revenue of twenty millions of dollars. It is obvious that the consumers in the Southern division, regarding them as consumers merely, would bear as large a portion of the duties, as those of the North, taking it for granted they consumed as much of each article. Take hats for example, and suppose two millions of them to be made each side of the line, worth five dollars apiece. The Northern hatters would pay fifty cents on each hat, to the government, before they would be permitted to sell it. But they could not, in consequence of the duty, obtain any more for their hats than their Southern competitors who paid no duty at all. The price of Northern-made and Southern-made, of taxed and of untaxed hats, would be the very same, and, of course, the consumers of the North and of the South, would be equally affected by the duty. But how would the hatters stand affected? Why, those of the North would receive just fifty cents less for each hat than those of the South, being compelled to pay that sum as a tax, and still take the same price. Upon all the hats annually manufactured at the North, the hatters would pay just one million of dollars, and their aggregate annual income would be just that much less than the income of the Southern hatters. Applying the same course of reasoning to any other article, the result would be, that the aggregate annual income of the Northern division of the Union would be reduced below that of the Southern, just twenty millions of dollars—the full amount of the tax—by a scheme of taxation which according to the doctrine maintained by some, would be perfectly just and equal in its relative operation on the two divisions of the Union. Under such a system of taxation, it must be apparent, that the Northern division of the Union—whatever might be its indus-

try and natural resources—would silently but inevitably sink into wretchedness, poverty and degradation of spirit, while the Southern division would flourish and prosper in proportion. Now if we reverse this picture, placing the South where we have placed the North, in relation to this one-sided scheme of taxation, we shall have a true representation of the condition of the Southern States, at this moment, with one material exception. We must add to the inequality of taxation, the inequality of the disbursements of the public revenue.

If in the case just now hypothetically stated, the whole of the twenty millions levied on the productions of one division of the Union—with the exception of some five hundred thousand dollars, had been disbursed in the other; the actual condition of the Southern States, as effected by the fiscal action of the Federal Government would have been completely exemplified. As Mr. McDuffie has given a brief and distinct exposition of the distressing effects of unequal government-disbursements, we shall adopt his language:—

“ But, Sir, there remains to be presented a view of this subject, very little considered heretofore, either in this country or in Europe, which will exhibit the unequal and oppressive operation of this Government in a most striking light. When this is taken into the estimate, the committee will perceive that I have been quite within the mark, in assuming that the staple growing States are burthened in proportion to the amount of duties levied upon their commerce. Next to the unequal exactions of government, nothing can be more distressing to a country of such vast extent, than the unequal disbursement of its revenues.—Great as I have shown the inequality to be, in the contributions exacted from the different sections of the Union, the inequality of the disbursements of the Federal Government is still much greater. South of Norfolk—through the entire region extending thence South and South west along the Atlantic and the Gulph of Mexico—a region which contributes two-thirds of the revenue of the whole Union—there is not annually expended an average sum of five hundred thousand dollars! Now, Sir, I do not mention this unequal disbursement for the purpose of complaining of it, so much as with a view to explain the actual injury and suffering which result from it. I do verily believe, then, that ten millions of dollars, expended among those by whom it is contributed, would not be more burthensome and oppressive than a tax of five millions of dollars expended in a foreign country or a distant portion of the Union. In other words, I believe any State, Pennsylvania for example, would find it an advantageous pecuniary speculation, to pay a million of dollars to the Federal Treasury, annually, upon the condition that the Federal Government should annually disburse two millions of dollars among the people of that State, in the purchase of grain, iron, manufactures, and such other productions as are there made for mar-



ket. It is obvious that a new demand would be annually created for a million of dollars' worth of the productions of Pennsylvania, and a new value thereby given to those productions. It would, of course, give the highest possible stimulus to productive industry, and at the end of the year the aggregate wealth of the State would be increased more than it would be diminished, by this fiscal operation, of paying one million in taxes, and receiving two millions in disbursements. The most striking example of the influence of Government-disbursements, of which history has kept any record, and that which first drew my attention to the subject, is that exhibited by Great Britain in the war against the French Republic and the French Empire. The extraordinary financial resources of Great Britain, in that eventful struggle, have excited the wonder and admiration of the world, scarcely less than the unparalleled military achievements and extensive conquests of the Emperor Napoleon. The spectacle of a nation annually expending some two hundred millions of dollars, and yet flourishing almost beyond any former example, seemed almost to baffle the profoundest speculations of political philosophy.

"But the mystery is completely unravelled when we advert to the fact, that she annually borrowed, during fifteen years, one hundred millions of dollars. By this operation alone, the annual disbursements of the Government were made to exceed the annual amount of the taxes, very nearly one hundred millions. We have, therefore, almost the very state of things I supposed, in regard to Pennsylvania. The Government levied an annual tax of \$100,000,000, and made an annual disbursement of \$200,000,000. Great Britain was never so flourishing; and, if the same operation could have lasted forever, she would have continued to flourish to the end. But it was not in the nature of things that it could last much longer than it did. Great Britain was acting the part of the prodigal, who converted his inheritance into an annuity for fifteen years, and then expended his whole annual income. She was living upon the resources of posterity, and if she had gone much further, she would have exhausted them. But when peace was restored to Europe, the picture of British prosperity was reversed. When superficial observers were expecting an increased prosperity from the cessation of war and its expenditures, a scene of distress and ruin ensued, not more astonishing and apparently unaccountable than the former prosperity. But the one was just as natural as the other. The sudden withdrawal of the disbursements of the Government, to the amount of more than \$100,000,000, without any corresponding reduction of the taxes, was like withdrawing his accustomed stimulus from a man, who habitually took his bottle of wine a day. A paralysis was thrown over the industry and prosperity of the nation, from which no one can predict when she will recover.

"Now, Sir, when you have looked at this picture, and then looked at that—when you have compared the distress and suffering of Great Britain since the peace of Europe, with the prosperity which preceded it, you have, on the one hand, an exemplification, and only a faint one, of the blasting and withering influence of enormously unequal taxes levied in one portion of the Union, with scarcely any return in the form

of Government-disbursements; and on the other, of the animating and invigorating influence of large disbursements in other portions of the Union, that make scarcely any contributions, comparatively speaking, to the public revenue."

But great as the evils of unequal disbursements are admitted to be, it is no uncommon opinion, that it proceeds entirely from natural and moral causes, independent of the action of the Federal Government, and that the Southern States have no reason to complain of it. We think differently. We believe, on the contrary, that greatly and permanently unequal taxation, in the very nature of things, tends to produce unequal disbursements of the revenue thus unequally contributed. The current naturally flows from the States that pay the taxes to those that pay comparatively nothing, upon the obvious principle that the government, being the greatest purchaser, will naturally go to the most prosperous and flourishing communities to make its operations. If it wishes to buy hats, or coats, or shirts for soldiers, will it not naturally go rather to that part of the Union where the producers of these articles pay no duty, than to that where they must pay a tax of forty or forty-five per cent. for the privilege of selling them; or in other words, will not the government go to a market where the cost of production is forty or forty-five per cent less, rather than to one where it is as many per cent. more? We think so most decidedly. We cannot but believe that Charleston is the *natural* emporium of all that branch of commerce—constituting at least one half of the whole foreign commerce of the country—of which cotton and rice form the basis, and that *artificial* causes growing out of the action of the Federal Government exclusively, have transferred most of it to cities which have no natural connexion with it. It seems to be given up that the importing business cannot be successfully carried on in Charleston; and there are not probably more than two or three importing houses in the city. Why is this so? Why is the commerce, founded upon the exports of South-Carolina, carried on through the agency of New-York-importing merchants? Is it for the want of capital, or enterprise and industry in Charleston? We cannot think so. But even if we admit that it is, can it be doubted that the natural advantages of Charleston, would attract capital, enterprise and industry, if these advantages were not counterbalanced by artificial causes? If the protecting duties were entirely repealed; if the importing merchant, like the Northern manufacturer, could sell his manufactures without paying any thing for the privilege of doing so; we are well satisfied that the imports of

Charleston would much exceed the exports of the State. But so long as the importing merchants of Charleston shall be liable to pay to the Federal Government three millions two hundred thousand dollars, for the privilege of importing goods to the amount of five millions of dollars, and the money thus collected shall be transferred to Northern cities for disbursement, it is evident that Charleston never can do the business of importation even for South-Carolina. Is it possible that a city which pays forty or forty-five per cent. on its imports, to be laid out and expended in a rival city, can hold competition with that rival under such fearful disadvantages? Taking into the estimate the effect produced on the circulating medium and the exchange, by the steady current, thus created from the South to the North, we hazard little in asserting, that a duty of thirty per cent. levied in Charleston and expended in a Northern city, would tend more to embarrass and impede importations, than a duty of forty per cent. levied in the Northern city, and expended there, together with the sum levied in Charleston. And when we consider that these duties, wherever levied, are duties upon the productions of the South, tending to impair the fund which the producers could otherwise appropriate to consumption, we cannot be surprised to find that the Southern States exhibit an aspect of decay and desolation to the traveller, and that Charleston—once the proud and prosperous emporium of Southern commerce—is almost literally reduced to a ruin.

We might be induced to doubt the truth of the doctrines which we have attempted to explain and enforce—plain and simple as they are—if they rested upon the deductions of speculative philosophy merely, and were not eloquently and impressively confirmed by the sad memorials which every where surround us, and as Mr. McDuffie expresses it, “by all the historical phenomena that have marked the progress of the restrictive system.” We extract the following exposition of these phenomena from his speech recently delivered in Charleston :

“At the close of the war in Europe, a great revolution took place in the commercial relations of the world, decidedly adverse to the prosperity of the Northern States, and as decidedly favourable to the prosperity of the Southern States. The former were cut off from the carrying trade, which during the general war, had been the source of great prosperity. They were also, in a short time, by the corn laws of Great Britain and other causes, cut off from the markets for their grain, which they had previously enjoyed. On the contrary, the Southern States had an unprecedented extension of the demand for their great staples. The whole continent of Europe embarked in the manufacture of cot-

ton goods, and these fabrics rapidly supplanted those of every other material. The Southern States had other decided advantages over the Northern. They were blessed with a fertile soil, a congenial climate, and the most valuable staple in the world—a staple produced on a very small portion of the earth; whereas the Northern States had a comparatively barren soil, producing a staple recently excluded from foreign markets and grown in every part of the world. Yet all these natural and commercial advantages of the Southern States have been so completely blasted by the fiscal action of the Federal Government, that the whole region of the planting States has been steadily and rapidly decaying, while the naturally less favoured region of the Northern States, has flourished almost beyond example. No one can contemplate the rapid growth and prosperous trade of the Northern cities, and the towns and villages which are constantly springing into existence, as if created by some magical power, and then turn his eyes upon the memorials of decay every where exhibited in the cities, towns and villages of the South, without being convinced that the pernicious influence of human tyranny and oppression has withered the choicest blessings of heaven in one portion of the confederacy, that another portion might prosper on its ruins. I am aware that some attempt to account for this extraordinary phenomenon, by ascribing it to the superior industry of the Northern people. This idea, however, is conclusively refuted by a comparison of the price of labour. The most ordinary labourer on a Northern farm receives fifty cents a day as his wages, and all the departments of mechanical and manufacturing industry receive a much higher reward than even this. Now every practical planter will sustain me in the assertion, that the profits derived from each operative on a cotton plantation (I speak knowingly of the upper country) do not amount to more, upon an average than twelve and a half cents. Yet I confidently assert, that each working hand on a cotton plantation performs decidedly more agricultural labour, than each hired labourer on a Northern farm, in the course of the year. Let any one calculate what would be the result, if a cotton planter, with the most productive soil, were to attempt the culture of cotton with hired labour, at fifty cents a day. With one hundred hands, he would make, I will assume, taking the average of seasons, three hundred bales of upland cotton, worth, at the utmost, not more than nine thousand dollars. But he would have to pay his labourers, estimating three hundred working days in the year, the sum of 15,000 dollars. At the close of the year, therefore, this planter would find, that his valuable plantation, with the capital expended in the purchase of horses, ploughs, and all the implements of agriculture, would yield him a clear loss of six thousand dollars! If the soil and climate of the Northern States were as well adapted to the culture of cotton as ours, it is perfectly obvious that they could not cultivate this article, at a less price than twenty-five cents a pound for the common upland. How does it happen, then, that with so many natural advantages of soil, and climate, and staple, agricultural labour is so much worse rewarded in the South than in the North?—The answer is obvious, we cultivate a staple which is subject to a federal tax equal to one third of our incomes, and this very tax is

transferred as a bounty to Northern labour, and diffused in various forms through all the departments of Northern industry.—It is impossible that any soil, however productive, or any industry, however toil-some and efficient, can stand this exhausting process. Ruin, utter ruin, is the inevitable destiny of the cotton planter, if some power be not interposed to relieve him from the oppression thus inflicted, by a heartless and irresponsible tyranny." pp. 23–25.

Having presented these various views of the unequal and oppressive operation of the Tariff on the Southern States, we now purpose to examine, very briefly, what would be an equal system of indirect taxation; and we do this for the two-fold purpose of throwing light upon the positions already advanced, and shewing in what way and to what extent, the solemn guarantees of the constitution and the fundamental principles of liberty are violated by the restrictive system. It seems too clear to be seriously argued, that equality of taxation, in regard to indirect taxes, necessarily involves the idea stated by Mr. McDuffie, that "whenever a tax shall be levied upon any portion of a given product or manufacture, the very same tax should be levied upon the whole of that article consumed in the United States." It is utterly impossible to conceive any objection, plausible enough to be stated, that can be raised against this principle of taxation, on the score of inequality. It would be in all its possible bearings, unexceptionable, equitable and just. Whatever duty, then, shall be laid upon iron or upon cotton and woollen manufactures imported from abroad, the very same should be levied upon these articles made in the United States. Now a duty of fifteen per cent. upon these articles, equally extending to those made in the United States and those imported, would yield as much revenue as the existing duty of forty-five per cent. upon that portion of them only, which is imported. Could any class of citizens complain of this arrangement as being unjust, or oppressive, or unequal? Whether we regard the duty as a burthen upon the producers or consumers, it would be still perfectly equitable. Can any reason be given why the American producer of imported iron—the person who obtains it by an honest and lawful exchange, should pay a duty for the privilege of using or selling it in his own country; which will not be equally applicable to the producer of domestic iron? And can the persons who consume iron manufactured in Pennsylvania, complain because they are compelled to pay the same duty on it, that is paid by those who consume iron imported into Massachusetts? *No one*, we think, can answer these questions in the affirmative. Yet this scheme, so plainly just and equal, is as opposite to the existing impost system, on the score

of equality, as light is to darkness. To the cotton and rice-planters, it would be equivalent to the repeal of a law positively prohibiting the importation—to the extent that forty or forty-five per cent. can effect it—of those imports which can alone give value to their staples by affording a market for them. To the Northern manufacturers, it would be equivalent to the repeal of a law giving them a bounty of forty or forty-five per cent. If, then, an equal and just arrangement of the duties, would so greatly injure the manufacturers and benefit the planters, in comparison with the existing system, how very remote must the existing system be from an equal and just one!

But our principal purpose in setting forth this comparative view of a confessedly equal system of duties, is to show how essential it is to the very existence of political responsibility, on the part of the Government; and how utterly destitute the people of the Southern States are, under the existing system, of the security furnished by the responsibility of those who make the laws, to those upon whom they impose the burthens of taxation. In the legislative council of a confederacy of Sovereign States, having various and often adverse interests, it is not sufficient that the people of each State have an effective control over their own *immediate* representatives, by means of their direct accountability. It is furthermore necessary that they should have an indirect, but equally effective security for the good conduct of all the members of the Federal legislature, by means of the direct responsibility of those members to their own constituents. If South-Carolina, for example, had no constitutional security for her rights and liberties, but that which she derives from the power of discarding and consequently controlling her own representatives, what a wretched and frail tenure would it be by which she would hold those rights and liberties? What could nine men do against more than two hundred, in a contest that must be decided by numerical force merely? According to the theory of our Government, each member of the legislative body, is the agent of the whole people, so far as he can constitutionally act at all, and should, of course, be practically responsible to the whole. How can this be effected? By so limiting the legislative power, that it can only act upon the *common interests* of all parts of the confederacy; and that, consequently, no member of the legislative body can violate the rights and liberties of any State or number of States, without also violating those of his own. In all such cases, the security which liberty derives from political responsibility, is as complete as human wisdom can make it. The people of South-Carolina, though they could not directly exercise any control whatever, over the representatives from

Massachusetts, might rest upon the confidence, that their own constituents, having the very same interests, with the people of South-Carolina, will prevent their representatives from violating them. To illustrate the subject by applying these principles to the power of taxation; let us first suppose the perfectly equal system heretofore suggested, to be established, and that whatever duty or tax shall be levied on any article produced in South-Carolina, shall be equally levied upon the same article produced in Massachusetts. It is quite obvious that the representatives from Massachusetts could impose no duty upon the productions of South-Carolina, that would not be equally imposed upon the like productions of Massachusetts. They would, consequently, have every motive of interest to reduce the duties upon the productions of South-Carolina, as low as possible, and could have no motives but patriotism and public spirit to increase them. But widely different are the political principles involved in the imposition of the protecting duties under the present Tariff. Here it is obvious, that the representatives from Massachusetts, have every motive of interest to raise the duties upon the productions of South-Carolina, as high as possible; for these duties, so far from operating equally on the like productions of Massachusetts, operate as a bounty on these productions, in the precise degree that they operate as a tax upon those of South-Carolina. Is it consistent, then, with any just conception of liberty, as secured by representative responsibility, that these duties should be imposed upon the productions of South-Carolina, by the representatives of those who derive a bounty from their imposition? It is no answer to say that this is done by the majority; for there is no despotism in the world so utterly intolerable and oppressive and hopeless as that of a majority which transcends the limits of its constitutional power, and imposes burthens upon the minority in which it does not equally participate, but which actually operate as a pecuniary bounty to it. The principle of responsibility is completely perverted into a principle of despotic power; for it binds the representative majority to that popular majority, which is the real tyrant and oppressor. The majority is the actual government and where it is unrestrained by the constitutional charter, it is an unlimited despotism of the most odious, disgusting and revolting character. When it acts upon the pecuniary interests of the minority, and converts the power of taxation, or any other power, into a mere instrument of plunder, no imagination can conceive a tyranny more foul, mercenary and monstrous. The strongest in their combination, the basest principles of human nature—ambition and avarice—united by a meretricious league, operate with full and un-

restrained force against the rights of the oppressed minority. The charter of their liberties, is the will of this interested majority; and the extent of their right of property, is what may be voluntarily conceded to them by those who assume and exercise the right of taking what portion of it they please. Is there a nation of slaves, upon the face of the earth, which does not hold its rights by as secure a title? The will of the majority is, here, the will of the tyrant—a tyrant, too, of insatiable and exhaustless desires, who appropriates to his own use what he chooses to take from the subject minority.

No people can have any just pretensions to liberty where the government exercises the power of taking the property of one portion of the community and giving it to another. But where those to whom the confiscated property is given, are the majority, and that majority the government, with no limit but its own moderation, what a wretched, delusive and insulting mockery is it to talk about constitutional liberty?

If the power of the government to interfere with the great pecuniary interests of society were confined to raising revenue by taxation, so regulated that all the States of the Union should bear a proportionate share of the burthen, we think with Mr. McDuffie, that it would furnish a better security to our rights and liberties than all the limitations of the constitution. For undoubtedly there is no better security for liberty, than representative responsibility, where it really operates co-extensively with the governing power, or, in other words, where the power that *imposes* taxes, is responsible to those who *pay* them.

But it is precisely because the principle of responsibility must fail to afford the security essential to the rights of a free people, in cases where the great interests of society come in conflict, that our forefathers provided the twofold security of a written constitution, specifying the powers of the General Government, and a federal organization, leaving the residuary mass of power in the States, to be held and exercised by them as Sovereigns. It is true, some politicians pushing the old federal doctrines of 1793 to an extreme, have roundly denied the sovereignty of the States, maintaining that they are mere corporations, deriving their authority from the Federal Constitution, and dependent on the will of the Federal Government for all their rights and powers. But such a political heresy as would place the powers of the States upon the same foundation with those of the city of London, when an arbitrary prince could revoke the charter or construe it at pleasure, can surely require no refutation, though sanctioned by the authority of the younger Adams, improving upon the monarchical predilections of the elder of that name. The States are incontestibly sovereign,



and in that character became parties to the political covenant which binds them together. By that covenant they agreed that the Federal Government should be clothed with certain enumerated powers, to be exercised for the common benefit of them all, and expressly declared, out of extreme caution, that all the powers not granted, should be reserved to the States.

Now the grave and important question arises, how shall the written charter, provided for the security of freedom, be enforced upon the Government it was designed to restrain, when that Government usurps powers not granted, and exercises them in such a way, as to inflict ruinous oppression upon the citizens of certain States? If the Government which the Constitution was designed to confine to its proper sphere, has the exclusive right to interpret that instrument, and the mere fact of its assuming power be conclusive of its constitutionality, what a perfect mockery is a written constitution, of which we have been so vainly boastful? As to all the practical ends of such an instrument, it is a perfect dead letter, and had better be torn up and consigned to the flames as a fraudulent imposture. It is idle to talk about the Supreme Court; for however useful a department it may be (and no one estimates its usefulness more highly than we do, when confined to its appropriate function of *deciding cases*) it cannot be disguised, that it is a part of the very Government which the Constitution was designed to restrain, and is utterly destitute of any shadow of a right to decide upon *political* questions, between contending sovereigns. The right of the Supreme Court to decide upon the constitutionality of a law, *involved in a case before it* rests upon the same ground precisely as does the right of every State-judge, justice of the peace or jury, which may be called upon to decide a case involving the constitutionality of an act of Congress. They are all bound to support the Constitution, some of them by the solemn sanction of an oath; and when an act is produced to them, which violates that instrument, they are obliged to pronounce it a nullity. What remedy have the people of a State, then, when their dearest rights are unjustly, unconstitutionally and oppressively violated by the legislation of Congress? Have they any remedy short of revolution and civil war? We think, most decidedly they have, and that it results, necessarily, from the federal organization of the Government. No one, since the Stuarts ceased to reign in England, has ever doubted the right of any portion of the people to resist oppression; and we have the most venerable American names to sanction the assertion, that any citizen who is aggrieved by an unconstitutional and oppressive law, may rightfully resist it. He could not succeed, and might perish in the conflict, but

this does not impair his right. Can there be any doubt, therefore, that a Sovereign State has a right to resist oppression, when that oppression is perpetrated in violation of a solemn compact to which that State is a party? But we believe no one has ventured to deny the *right* of a State to interpose its sovereign power in such a case; but it is contended that such interposition is not constitutional, amounts to revolution and secession, and will produce civil war. Now as there can be no greater solecism than to suppose the States derive any of their sovereign rights from the Federal Constitution—the creature of their own hands—it would be obviously erroneous to deny the alleged right of interposition, because it is not derived from that instrument. With equal reason might the right of the State to punish and prevent high-way robbery be denied; for most certainly, that right is not derived from the Federal Constitution. It is but too obvious that the argument we are answering—it is the doctrine of John Quincy Adams—completely inverts the whole system of our Government, deriving the powers of the States from the Union, instead of the powers of the Union from the States. This is the precise definition of a consolidated government. But will the alleged right of interposition, if exercised, produce revolution? This is more a question of fact than of speculation. What is a revolution, in the sense here intended? It is an entire subversion of the existing Government, by displacing the existing rulers, and depriving them of all authority constitutional or unconstitutional. Such was the convulsion that deprived the English Charles and the French Louis of their crowns and their heads together. But suppose Charles I. had been permitted to remain on the throne, deprived only of the unconstitutional and tyrannical power of raising ship-money, without the authority of Parliament. Would that have been a revolution? If it would, we say from the bottom of our hearts, God grant that we may speedily have precisely such a revolution in the United States. To call that a revolution, which rescues the fundamental compact of government from violation, and maintains all the functionaries of that government, in the exercise of their constitutional powers, is a gross perversion of the meaning of words. Would it amount to a secession from the Union? We are utterly at a loss to conceive how it can amount to a secession from the Union, for a State to arrest the operation of a law, admitted to be null and void, as being in violation of the very compact which created the Union and holds it together. But the most important question remains still to be examined. Would the proposed interposition of the sovereign power of the State, produce civil war? This will depend entirely upon the

manner of that interposition. If the State should be guilty of the madness and folly of raising a military force and resisting the unconstitutional acts of Congress by the application of this force, there can be no doubt that it would produce a civil war. But if any of our statesmen, who advocate State interposition, ever contemplated such a desperate enterprise, we have never happened to meet with them. The mode of interpositions proposed, is by the *civil* power of the State, operating through the tribunals of the State exclusively. Not only will the State use no military force, but in the whole process of arresting the oppression of which we complain, there will be no point of collision presented, or shadow of a pretext given to the Federal Government to use military force. Let us briefly examine the process.

In the first place, we presume, a Convention, representing the whole sovereignty of the State, will solemnly and authoratively declare the Tariff-acts of 1824 and 1828, void and inoperative, as being unconstitutional, and authorize the State legislature to enact such laws as may be necessary to carry this declaration into effect. Under this authority, the legislature may enact that any person importing goods into South-Carolina, shall not be obstructed in doing so, provided he will tender or pay to the collector of the Federal Government, the duties enacted in 1816; and that if the said collector shall seize or detain said goods after such payment or tender, the person aggrieved shall be authorized to recover them, with damages, in an action of detinue, of trover or of trespass. Actions will be brought in the State courts, and it cannot be doubted that judgments will be obtained for the recovery of the goods unlawfully detained by the collector, if he refuse to deliver them upon demand. An attempt will no doubt be made to appeal from the decision of the State judges, to the Supreme Court under the section of the federal judiciary act, which provides for such appeals; but the State legislature will of course take steps to prevent the State judges from certifying the proceedings, and the keepers of the judicial records, from permitting a transcript to be taken. And the Supreme Court has already decided, that they have no power to compel the State courts to grant an appeal from their decisions. In fact all the powers of the Federal Government united, cannot exercise the slightest possible control over this peaceable process of preserving the Constitution from violation, and relieving our citizens from the Egyptian bondage to which they have been reduced in their own native land. Yet this is the remedy which has been associated with such horrible images of treason, civil war and bloodshed, under the name of nullification.

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# SOUTHERN REVIEW.

NO. XVI.

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FEBRUARY, 1832.

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ART. I.—*The Public Economy of Athens, in four Books; to which is added a dissertation on the Silver-Mines of Laurion.*  
Translated from the German of AUGUSTUS BOECKH. London. 1828.

IN his preface to this work, (which was first published at Berlin in 1817,) Professor Boeckh, as we are informed by the translator, pronounced the knowledge of the ancient history of Greece to be still in its infancy. The observation, we have no doubt at all, is perfectly just. It is but of late years, and first and principally in the universities of Germany, that the researches of scholars have been directed by the spirit of a distinguishing and comprehensive philosophy. They have made discoveries in fields of inquiry which one would have thought exhausted long ago. They have poured out a flood of light upon every controverted point, and on the other hand, have shaken many an established dogma, and exposed many a consecrated error. They were not content to learn their lessons by rote, with implicit acquiescence, as was the fashion, even with very erudite men, a century ago. They took it for granted, or to speak more properly, they reasonably concluded from what the genius and judgment of the ancients had done in every variety of intellectual achievement, that what appears incongruous and absurd in their institutions, or their conduct and opinions, is not so in reality, that the presumption against our knowledge is stronger than against their sense, and that we ought to have a care how we indulge our supercilious fancies with regard to such men, lest we incur the old censure of the *damnat quod non*

*intelligit.* It is quite inconceivable to those who have not looked narrowly into such matters, what a revolution this school of philosophical erudition has brought about in them. Examples might easily be cited in every department of literature—but we will confine ourselves to one about which we are now principally concerned—that of historical criticism. Their inquiries in this branch of learning have united two things that were very rarely found together before, immense erudition, with acute scepticism and discriminating judgment. It is very clear, that in the hands of such men, classical studies afford scope even now for the highest order of minds. Far from being worn out, the soil has not been well enough cultivated to bear its best fruits, and mines of unexplored wealth lie hidden beneath the surface, which has been for centuries together (so to express it) the great highway and thoroughfare of scholars.

Much that has been said in disparagement of this branch of study has been provoked and in some measure warranted, by this singular fact. But the objection, however plausible, was obviously not well founded. The complaint was, that too much time had been bestowed upon the remains of antiquity—that scholars knew too much of the remote past, and too little of present interests and existing institutions. The truth is, however, that they never have known enough of that past—their fault has been not an excess, but a deficiency of solid learning. So far, indeed, as taste and style were objects of their discipline, they were eminently successful, for nothing can surpass the elegance of such writers as Lambinus and Muretus, or Addison and Atterbury. So, too, in the mere accumulation of facts or figments and data—the gross amount of acquirement, if we may so express it—the erudite men of the sixteenth and seventeenth centuries, the Scaligers, the Casaubons, the Salmasius', the Gronovius', have not been surpassed, if they have been equalled by their successors. But they were not philosophers and that is saying every thing—they were not even critics, in the highest sense of the word—they were, in most essential matters, as ignorant and prejudiced as their vulgar contemporaries, who spoke no language but their mother tongue, and had little knowledge of any thing beyond the legends of the nursery. Men of shining abilities many of them were, but the whole discipline of their schools, as the temper of the times was unfavourable to those inquiries, which enable us to distinguish what is true or probable, from what is merely mythical and fictitious in the traditions of the past—to look through the sign to the thing signified, through accidental forms to the enduring substance of things, through bizarre and arbitrary customs to the true genius

and spirit of laws and institutions. They looked upon the vast mass—owing to the loss of so many libraries and other monuments, a mutilated, undigested and shapeless mass—of antiquities that lay before them, with the eyes of verbal grammarians, or slavish compilers, or at best, of mere labourious archæologists. But the view they presented of the history and society and even literature of the Greeks, was altogether unsatisfactory in theory, because not agreeable to the experience of mankind in other times and countries. Still less was it safe to rely upon it in practice, because practice calls for precise information, and it is in practical matters especially, that a “little knowledge” and still more erroneous and perverted, or even superficial views are a “dangerous thing.”\* Thus, they could repeat Livy’s history, it may be, by heart, and let out a deluge of learning, pertinent or otherwise, upon each disputed reading; but did they think of asking how far the whole story was credible, and what reliance was to be had upon it as a record of man’s experience? So, they wrote diatribes upon the democratical and oligarchical parties, upon the influence and contests of Athens or of Lacedæmon, and yet we venture to say, in our author’s language, that their knowledge of the polity and social state of those nations was still in its infancy. Even in mere literary researches there is the same want of a philosophical spirit. Their learned dissertations, for instance, upon the Athenian theatre, were satisfactory enough as to mere externals, the mask and the mummery, the costume and the chorus, but what have they written of the drama of Sophocles or Aristophanes that is at all worthy of the subject, or even to be compared with the more recent speculations of Schlegel?

The truth is, that considering the state in which the remains of antiquity are come down to us, to acquire the kind of knowledge which every enlightened man ought to aim at in such things, requires much more than industry. A wary judgment—a penetrating sagacity—an enlarged understanding—a fertile and even inventive genius must be exercised, and all the results of modern science be brought to bear, upon the materials of an erudition at once exact and immense. The scholar must be able to turn every hint to account—to gather the most scattered fragments that relate to each other and put them together, like a dissected map. The science and skill of the comparative anatomist, who can sketch the form of the whole animal from a single bone, must be his. His business is to reconstruct.

\* Macchiavelli’s incomparable *Discourses* would seem to refute what is here said. But they do not. The *Cyropædia* or any other fgment would have answered his purpose as well. He wanted only a *canvass*.



the fabric of Greek society—to give the body of those times its very form and pressure—to enable us clearly to perceive how far their institutions and opinions agreed with our own, or differed from them—to reveal to us the secrets of their thoughts, to translate the very language of their affections into our modern tongues, to make them objects of sympathy, and examples for conduct to us—in short, to bring their little world before us, not as an empty pageant, or a wild phantasmagoria, having neither relation nor resemblance to the things about us, but with all the force and impressiveness of a sober and ascertained, yet vivid and living reality. Unfortunately the men who had the minds best fitted for such investigations, have, in general, been destitute of the necessary erudition. Bayle is the only exception that occurs to us; but even he was too much absorbed in metaphysics and theology, to do much as a historical critic. Hume's essay on the "Populousness of Ancient Nations," is a very promising performance, but it only shews what that great writer might have done, had the fashion of the times—hostile to all learning—or his own indolent disposition, permitted him to inform himself sufficiently on any subject requiring much research. As for the rest of the philosophers of the eighteenth century, with all their unquestionable talents, and their enlarged, and in the main, just views of society and human nature, they were universally as ill qualified for such inquiries as Hume. Nothing can be more ridiculously superficial and absurd than Voltaire's notions about Greek literature, and nothing but his inimitable wit could have saved them from the contempt they deserve.

But a knowledge of the whole body of Greek history can only be attained by fully investigating some subordinate departments of it; and the work now under review is offered by Mr. Boeckh as a compilation of that sort. The subject treated of is a very important one, and hitherto but little understood, and we are glad that it has fallen into the hands of a master. On many difficult and disputable points the reader may see cause to differ with the author—even on such points, however, we are mistaken if he will not dissent with hesitation and deference—while there is not a subdivision of the inquiry which does not call forth a profusion of the most accurate learning, controlled and directed by the soundest criticism. The translator laments indeed, that his author is not sufficiently versed in political economy, and that with some unimportant exceptions, there is scarcely any thing in the book which a well educated Grecian of the time of Aristotle might not have written. There is something in the objection undoubtedly, but it is too strongly put and too

much insisted on. We cannot perceive how "the value of the first book either considered by itself, or as a ground-work for his subsequent researches, has been thus diminished," though we admit that it would have given an additional interest and finish to his discussions on prices, profits, wages, &c. if his great diligence and accuracy in collecting the materials, had been helped by a more scientific arrangement and vocabulary. After all, however, this defect is one rather of form than substance; and although Mr. Boeckh may not be as much of a political economist, as it were desirable he should be, it is going too far to speak of him as wanting the lights of modern science. It would have been impossible for any one, who had not profoundly reflected upon the whole frame and constitution of society as it is treated of by modern publicists, to have conceived the plan of such a work. He has brought together (generally speaking) all the *data* necessary to form a complete idea of the Public Economy of Athens and he has discussed them with judgment and ability. A writer of a more speculative turn, might, out of such materials, have made a different book, or it may be, several different books (for such things present themselves in various aspects to various minds) but surely that does not diminish the value of the volumes before us.

The work is divided into four books. The first relates to prices, and property in Athens. It is, of course, very miscellaneous, treating of the precious metals—their quantity and value—of the population and extent of Attica—of agriculture and commerce—of the lands, mines, houses, slaves, cattle, corn and bread, wine, oil, salt, wood—of food, dress, furniture and implements of all kinds—of the sum necessary for the maintenance of life and the proportion of the same to the national wealth—of the wages of labour, the interest of money, money-changers and mortgages of land—of bottomry, rent, &c. The subject of the second is the public expenditure. The last two books are a most learned and elaborate exposition of the ways and means to meet that expenditure—the revenues, regular and extraordinary of the Athenian State, and of the peculiar financial measures of the Greeks. At the beginning of the third book, the author remarks, that in the inquiries involved in the latter half of his work he had been nearly unassisted by the labours of any predecessor, with the exception of what had been written on the subject of the Liturgies, and what Manso, (*Sparta*, vol. ii. pp. 493–5) had adduced in reference to the period of the Peloponnesian war. Yet, by this voyage of discovery into regions so entirely unexplored, he has accomplished the most important results, while he pursues his course in the midst

of all the difficulties and perplexities incident to such an enterprise, with the steadiness and assurance of practised skill.

The science of political economy cannot properly be said to have existed at all among the ancients. In the *Economics*, attributed, falsely it is thought, to Aristotle, the *word* occurs, but nothing more, for the few brief and imperfect remarks about revenue and taxation it contains under that head, surely deserve no serious consideration. Yet rules for practice, as Mr. Boeckh observes, were not wanting, and these varied in complexity and importance, according to the situation of different States, or of the same State at different times. Sparta, for instance, with her simple form of government, and a fundamental policy calculated rather for security and defence, than for foreign conquest and colonial dominion, had but little occasion for a regular system of finance. It was not so with Athens; and in that city, from the end of the Persian war, when she became the head of a great confederacy, until she lost her national independence under the successors of Alexander, the Public Economy of Greece is seen upon its largest scale. It is, therefore, to the interval between those two epochs that Mr. Boeckh has confined his inquiries—touching only occasionally upon the events of earlier or later times, and the affairs of other States. Even within the period referred to, however, the financial system of the first of Greek commonwealths was (as every reader of these volumes must perceive) extremely irregular and imperfect.

We do not think we can better consult the interests of the general reader than by extracting from the first book, several passages throwing much light upon some subjects of perpetual occurrence in this department of study, with which it is, therefore, important that he should be as familiar as possible.

The value of the Athenian coins is thus settled:

“Coined metal, or money, is, as well as uncoined metal, a commodity; and it is obvious that in the ancient days of Greece, as well as in modern times, it would be an object of trade with the money-changers. If we exclude the arbitrary value which individual states are able to give to a particular kind of coin for the use of their own citizens, the current value of money is determined by the fineness of the standard: and upon this point, in reference to the Greeks, and to Athens in particular, I will only say so much as appears necessary to make what follows intelligible to the reader. In Attica, and in almost all the Grecian states, and even out of Greece, the talent contained 60 minas, the mina 100 drachmas, the drachma 6 oboli. At Athens the obolus was divided into 8 chalcûs, and the chalcûs into 7 lepta. As far as the half obolus downwards, the Athenian money was generally coined in silver: the dichalcûn, or  $\frac{1}{2}$  obolus, either in silver or copper; the chalcûs, and the smal-

ler coins, only in copper. Upon a single occasion, in the early times of the Republic, copper was coined instead of silver, probably oboli, but they did not long remain in circulation. When in later writers, in Lucian for instance, we read of copper oboli, they should not on any account be considered as ancient Athenian money. Among the larger silver coins, the tetradrachms are the most common, called also staters. The value of the Attic silver talent has been differently determined by different writers, as they set out upon the weight and fineness of different tetradrachms; for all agree that the early coins are better than the more recent. According to the enquiries of Barthélemy, which seem preferable to those of Eckhel, the ancient tetradrachms, coined in the flourishing times of Athens, weigh 328 Paris grains, (nearly 269 Troy grains, i. e. about  $67\frac{1}{4}$  to a drachma,) if we reckon in four grains, which they might have lost by wear in the course of so many centuries. The silver is nearly pure, for Athens, did not, like other states, alloy it with lead or copper, on which account this money was particularly valued, and every where exchanged with profit. It appears, however, probable that the average was not so high as represented by Barthélemy, even without allowing four grains for wear; and that it is safer to take the Attic drachma at 65 Troy grains; which, as the shilling contains about  $80\frac{3}{4}$  grains pure silver, is nearly equal to  $9\frac{3}{4}d.$  of English coinage; whence the mina amounts to £4 0s.  $6\frac{3}{4}d.$  and the talent to £241 13s. 4d. It may be moreover observed, that as the Romans reckoned in sesterces, so the Greeks generally reckoned in drachmas; and where a sum is mentioned in the Attic writers, without any specification of the unit, drachmas are always meant." pp. 23-26.

#### Again—

"The ancient writers frequently reckon in Euboic talents which appear to have come into use in the Italian colonies of Magna Græcia, chiefly on account of the spreading of the Chalcideans, and which for that reason frequently occur in the treaties of the Romans with other nations, as well as in Herodotus, who evidently composed or altered many parts of his history after his migration to Thurii." pp. 27, 28.

"As to the Euboic talent, Herodotus, if the present reading is correct, reckons that the Babylonian talent contained 70 Euboic minas, Pollux 7000 Attic drachmas. Here then the Attic and Euboic talents are considered as equal. According to Ælian on the contrary, the Babylonian talent contained 72 Attic minas, a statement which is evidently of more weight than the uncertain account of Pollux; and it thence follows, that the Euboic talent was somewhat greater than the Attic. At the same time this statement may not be mathematically accurate; for according to it the Attic talent is to the Euboic as  $72\frac{1}{10}$  to 75 (70 to 72,) agreeably to Herodotus' computation of the Babylonian talent in Euboic minas. It is probable, however, that Solon, when he wished so to change the Attic money, that 100 drachmas should be coined from the same quantity of silver as had formerly been made into 75, intended to make the Attic silver talent equal to the Euboic, which had been for a long time in general circulation. According to this supposition, the Euboic talent would, before the time of Solon, have been to the Attic

talent in the ratio of 75 to 100. Since, however, the money of Solon proved actually to be the ancient Attic money in the ratio of  $72\frac{3}{8}\frac{2}{9}$  to 100, strictly speaking, the new Attic silver talent must have been to the Euboic as  $72\frac{3}{8}\frac{2}{9}$  to 75, that is, as 70 to  $72\frac{2}{3}$  : but as, upon an average, the new Attic was to the old Attic talent as 73 to 100, in the same manner it might be assumed, that the proportion of the new Attic to the Euboic was, in round numbers, as 73 to 75, which nearly coincides with the ratio obtained from Herodotus and Ælian, of  $72\frac{1}{2}$  to 75, or 70 to 72." pp. 30, 31.

The proportion of gold to silver in ancient times appears to have been most generally as ten to one. This ratio Mr. Boeckh remarks, seems rather low, considering the scarcity of gold in early times. The price of it, however, gradually rose, partly on account of the proportionally greater increase of silver, until it came to be (subject to occasional variations)  $13\frac{1}{2}$  and even 15 to 1—as in modern Europe.

The following passage is worthy of consideration :

"The meaning of the terms talent and mina, when applied to gold, has been frequently a subject of enquiry. According to Pollux, the gold stater was equal in value to a mina; a statement which seems wholly inexplicable, unless, with Rambach, we understand gold coins of eight or ten drachmas in weight, which would certainly agree with the value of a silver mina. But Pollux is speaking with particular reference to the common gold stater of two drachmas in weight; unless then he confuses the entire question, according to some method or other of computing, a weight of two drachmas of gold must have been called a mina. That, however, in speaking of gold, an entirely different language must have existed, is probable from the circumstance that the same grammarian in two other places calls three Attic gold staters, or a chrysûs, a talent of gold. The reason which prevents me from receiving the emendation proposed by Salmasius is, that Pollux repeats the same statement twice. I am therefore inclined to follow the opinion of J. F. Gronov, that a weight of six drachmas of gold was called a talent, according to an idiom customary upon certain occasions, perhaps, as it has been conjectured, because this was the value of a talent of copper, the ratio of gold to copper being as 1000 to 1. This small gold talent could only have contained three minas, each two drachmas in weight. This supposition is completely established by the fact of the talent of Thyateira being equal to three gold staters; and Eustathius even calls two chrysûs, and Hero of Alexandria one chrysûs, a talent. Probably the goldsmith reckoned by these small talents; and when we read of golden crowns of many talents in weight, this smaller kind is doubtless intended. Who can believe that the Carthaginians presented to Damarete a crown of a hundred talents of gold, if a talent of gold were the usual weight of the silver talent, or even only a portion of gold equal in weight to the value of the silver talent? Are we to suppose, that the inhabitants of the Chersonese would have given a crown of 60 talents to the senate and people of the Athenians, if the

silver and gold talents were of the same weight? and how vast must the size of such crowns have been? \*And even if we suppose that 100 talents of gold were equal to 600 gold drachmas, and 60 talents of gold to 360 drachmas, these crowns still remain of considerable weight. Excepting the crown of Jupiter at Tarracona, 15lbs. in weight, and that which the Carthaginians sent to the Capitoline Jupiter in the year of the city 412, of 25lbs. of gold (1875 Attic drachmas,) and the immense one in the time of Ptolemy Philadelphus, of 10,000 gold staters (which, at a festival in the time of that king, was laid upon the throne of Ptolemy Soter,) together with another, 80 cubits in length, of gold and precious stones, I find no example of such large crowns as those two were, even if they only weighed 600 and 360 drachmas. In the Acropolis of Athens there were golden crowns of  $17\frac{1}{2}$ ,  $18\frac{1}{2}$ , of 20, and 25 drachmas or rather more; also another of  $26\frac{1}{2}$ ; four of which the joint weight was  $135\frac{1}{2}$  drachmas; one of 29, others of 33, 59, and 85 drachmas. A crown, which the celebrated Lysander sent as a sacred offering to the Parthenon of Athens, weighed 66 drachmas 5 oboli. Two crowns, honorary gifts to Minerva of the Acropolis, weighed, the one 245 drachmas  $1\frac{1}{2}$  oboli, the other 272 drachmas  $3\frac{1}{2}$  oboli. Another for the same goddess weighed 232 drachmas 5 oboli. A crown, dedicated the Delphian Apollo at the great festival which was celebrated every fourth year, cost only 1500 drachmas of silver; and consequently, if the workmanship is estimated at the lowest possible rate, can hardly have weighed a hundred drachmas of gold. According to these facts then, the talents in which the weight of the Carthaginian and Chersonetan crowns is stated, must have been small talents of six drachmas of gold. Yet there can be no question but that as much gold as was equal to the value of a silver talent, is often called a talent of gold; as also that a quantity of gold weighing 6000 drachmas was known by the same name; which therefore in this case is manifestly independent of any relation to the value of silver." pp. 37-40.

The area of Attica, calculated according to the map of Barbé du Bocage, published in 1811, is (including Salamis and Helena, the former containing twenty-six, the latter five square miles,) six hundred and fifty-six English square miles. Taking the English geographical mile to the statute mile as four to three, the whole area of Attica, including those islands, would be only eight hundred and seventy-four square miles—something more than the one-thirtieth part of the small State of South-Carolina, and much less than the single district of Charleston. This small space is admitted on all hands to have been well peopled, but there has been some diversity of opinion as to the precise amount of its population. That the number of citizens who were entitled to receive compensation for assisting at the public assemblies was thirty thousand, was generally assumed from the time of the Persian to the end of the Peloponnesian war. This appears from a passage which we had

occasion to cite on a former occasion, from the *Ecclesiastæ* of Aristophanes,\* and some other authorities, to the same effect, have been added by our author. He thinks, however, that this was an exaggeration, and after collating and examining a number of texts which have a bearing upon the subject, adopts the usual mean average of twenty thousand. The following passage embodies the result of this very able and interesting discussion :

“ Soon after this an enumeration of the people occurs, which is the very one to which the number mentioned in Plutarch of the citizens who remained and were disfranchised in the reign of Antipater, was adapted. It was carried on by Demetrius Phalereus when Archon in Olymp. 117. 4. and yielded, according to Ctesicles, 21,000 citizens, 10,000 resident aliens, and 400,000 slaves. From this very important statement the whole number of the population of Attica has been variously determined. According to the usual rule of Statistics, the adults have been generally taken as a fourth part of the population. This gave for the citizens 84,000, and for the aliens 40,000. But when they came to the slaves, these calculators fell into an embarrassment: for, according to the same or somewhat lower proportion, their number came out far above what could be deemed probable. Hume, wishing to shew that the population of ancient times has been greatly overrated, contends with many reasons against this number of slaves, and ends by substituting 40,000 in the place of 400,000 whom he considers as the adults, to which it would be then necessary to add the women and children. But his arguments are partly inconclusive, and partly founded upon false suppositions. Thus all that he says concerning the national wealth of Attica, that it was only equal to 6000 talents, is completely false; and, in the next place, slaves were not computed by adults or fathers of families, which is a term wholly inapplicable to slaves; but they were counted, like sheep or cattle, by the head, and were regarded in the same light with property, as Gillies has already observed, for they were in the strictest sense a personal possession. 400,000 is therefore the sum total of the slaves; and the population of Attica would amount, on this supposition, to 524,000 souls. Wallace's computation is higher, for he makes the whole population amount to more than 580,000, and Sainte Croix goes as far as 639,500. The latter writer erroneously adds 100,000 children to the number of slaves, and likewise  $4\frac{1}{2}$  and not 4 for every male adult or father of a family, so that the free as well as the slave population is made more numerous. As however this proportion appears to be more correct for southern countries, the citizens with their families may be fairly taken at 94,500 and the resident aliens at 45,000. In order however not to proceed solely upon the period of Demetrius, but upon the mean average of 20,000 citizens, I reckon only 90,000 free inhabitants, and 45,000 resident aliens. With regard to the total amount of slaves, it is stated too much in round numbers for perfect accuracy; the historian doubtless added

whatever was wanting to complete the last hundred thousand, although the correct number might not have been so great by several thousands. It will be sufficient to reckon 365,000 slaves together with women and children, which latter however were proportionally few. Adding to these 135,000 free inhabitants, we may take as a mean average of the population 500,000 in round numbers; of whom the larger proportion were men, since fewer female than male slaves were kept, and not many slaves were married." pp. 50-52.

The distribution of this population which is the next object of inquiry, is involved in as much difficulty as its amount. The circumference of Athens, including the Piræus and Phalerum, was equal to two hundred stadii, and the city itself contained ten thousand houses. In general only one family lived in a house, and Mr. Boeckh, on the authority of Xenophon (Soc. Mem. ii. 7. 2.) takes a family of fourteen free persons to have been a large one. There were *συνοικίαι*, however, which—whether we interpret the word as meaning *lodging-houses*, or a collection of houses—contained a greater number of inhabitants, and the factories of various sorts, for which Athens was renowned, were, no doubt, filled with many hundreds of slaves. The mines, too, were in a space sixty stadii wide, and are known to have been worked by a vast multitude of hands. For these our author allows twenty thousand people, and to the city and the two seaports, one hundred and eighty thousand—two hundred thousand for the thirty-two square miles included within both. There then remain three hundred thousand for the other six hundred and eight square miles—which gives something less than four hundred and ninety-three and a half to a square mile. This is an immense population—but Mr. Boeckh thinks, that, considering the number of small towns or market places, villages and farms in Attica, it is not to be wondered at. Since the publication of his work, (as we are informed by the translator) this whole subject has been examined by several writers, one of whom concurs very nearly with our author, another\* differs so widely as to set down the whole population of Attica at only two hundred and twenty thousand; but the reasonings of the latter are glaringly inconclusive, and his positions wholly untenable.

If the estimate of Mr. Boeckh is to be relied on, the supplying such a population with food must have been one of the most serious and pressing concerns of State, and accordingly we find that the corn-laws of Attica were remarkable for a most jealous spirit and a stern and even tyrannical severity of enactment. Admitting, as our author alleges, that the soil of Attica was not

\* M. Lebronne—Mémoires de l'Académie des Belles Lettres. Tom. vi.



remained unknown. They had custom-duties as well as ourselves; but their only object was to increase the revenues of the state, and not as with modern nations, by prohibiting this or that article to give a particular direction to the course of industry. You will find no prohibition to export raw produce, no encouragement of manufactures at the cost of the agricultural classes. In this sense then there was a complete freedom of industry, of commerce, and of intercourse. And this was not the result of accident, but was founded upon principle. At the same time, where every thing was determined according to circumstances, not according to theory, persons may find individual exceptions, perhaps discover particular cases in which the state may for a time have assumed to itself a monopoly. But yet what a wide difference is there between this and our mercantile and compulsory system." I am ready to acknowledge that there is a great deal of truth in these remarks; but the other side of the question must also be considered. According to the principles of the ancients, which were not merely scientific, but were recognised by the whole of the people, and deeply rooted in the nature of the Greeks, the state embraced and governed all dealings between man and man. Not in Crete and Lacedæmon alone, two states completely closed up and from their position unsusceptible of free trade, but generally throughout the whole of Greece, and even under the free and republican government of Athens, the poorest as well as the richest citizen was convinced that the state had the right of claiming the whole property of every individual: any restriction in the transfer of this property, regulated according to circumstances, was looked upon as just; *nor could it properly be considered an infringement of justice, before the security of persons and property was held to be the sole object of government; a light under which it never was viewed by any of the ancients.* On the contrary, all intercourse and commerce were considered as being under the direction of the community, inasmuch as they originally owed their existence to the establishment of a regular political union: and upon the same basis was founded the right of the state to regulate trade, or even to participate in the profits of it. Any person who dissented from these principles was not a member of the state, and would by the bare avowal be considered as detaching himself from it. It was upon the same principle that the national monopolies were founded, which do not appear to have been unfrequent in Greece, although of short duration; their productiveness had been tried in the cases of private individuals who had obtained them by engrossing particular articles." pp. 71-73.

There is much good sense in these observations of Mr. Boeckh, and the lines printed in italics, especially, are as profound as they are just. He proceeds to adduce a variety of instances which go to shew how far the government felt itself authorized, upon any notion of State-necessity or of mere expediency, to interfere with the rights and interests of individuals. Among others, he cites the law just now referred to, disannulling or avoiding contracts of *fœnus nauticum* (bottomry and respondentia) if the re-

turn-cargo were not shipped for Athens. We have already spoken to that case, and we will add, with regard to most of the others, that they are political, not commercial or economical measures. Some of them, for example, proceed upon the principle of contraband of war. Such as the prohibiting the exportation, to the Peloponnesus, of timber, tar, wax, rigging, and leather-bottles, articles which were particularly important, as our author remarks, for the building and equipment of fleets. We think this quite plain from the very text which he cites,\* and even if the prohibition were not confined to a case of actual or proclaimed hostilities, what was the whole existence of Athens but war in fact, or "in procinct"—especially in her relations with Lacedæmon and its dependencies? Others of the restrictions mentioned were intended to operate in the way of *non-intercourse*, as coercive measures, such as the famous decree of Pericles against the people of Megara, upon which Dicæopolis comments, with such effect, in the *Acharnenses*† of the comic poet just referred to. The policy of the corn-laws has already been the subject of remark, and there were cases in which certain branches of commerce were prohibited or restrained upon grounds of morality or religion.‡ So, it is true that inland traffic and the daily business of the markets were laid under many restrictions with a view to police, which, according to the same high-prerogative notions of the ancients, in matters of government, meddled with things of the kind, if with nothing else. The ideal commonwealths of the philosophers, in which scarcely any thing is left *unregulated*, sufficiently attest their opinions, at least as to the *right* of a body politic to control the pursuits of its members. There is a remarkable passage in Plato *de Legibus*,|| which seems to have escaped Mr. Boeckh, but which furnishes an illustration exceedingly apposite in every view of this subject. In this second commonwealth (as it is called) the philosopher distinctly declares that there shall be no duties either on imports or exports—yet, he immediately adds that the importation of frankincense and other costly perfumes fetched from distant countries for the sacrifices, and purple and foreign dyes, and the materials of arts that minister to luxury, shall be altogether prohibited, as also, the exportation of things that are necessary at home (corn, we suppose, for instance.) So the trade in arms and the implements and munitions of war, was to be com-

\*Aristoph. *Ran.* 360-363. We have Brunck's edition which is without the Scholia. The line immediately following those cited by Boeckh, is as follows:

ἡ χρημασα ταῖς τῶν ἀντιπάλων ναυσὶν παρέχειν τινα πεισι. v. 364.

† *Acharnens.* 510-538. ‡ Herod. L. v. 83. || *De Legib.* l. viii. Sub. fin.

mitted to the special care and discretion of certain military officers of high rank. He then goes on to lay down rules for the government of the retailers in the markets, which would be not a little irksome and offensive in a *real* commonwealth.

Upon the whole, it seems to be a fair inference from all the *data* which we possess, that free-trade, as such, was the policy—the systematic *economical* policy—of the Athenians, but that the power of government to interfere with all the concerns of the citizen, in the most absolute and arbitrary manner, was implicitly admitted, and that this power was, in fact, often exercised to the great detriment of commerce. It might seem strange that a power so despotic and dangerous, was not only conceded to the body politic, or which is the same thing, to the majority, real or constructive, of the body politic, or which is still the same thing, more accurately expressed, according to the experience of mankind, to the reigning Demagogue of the day, if we did not know that Demus had as high a notion of his prerogatives as any other monarch, and that it is but in our own times that the true theory of government—that which calls upon it for nothing but protection from force and fraud—has begun to be received even among educated people. Mr. Boeckh is right in saying that freedom of trade depends upon precisely the same principles as the security of private property and exemption from unnecessary, and therefore, oppressive and vexatious legislation. The tyrannical prerogative of the Eminent Domain—the right of appropriating to the use of the public or otherwise disposing of, the substance of any individual member of the society, without his consent and without making full compensation for it—is at the bottom of all these abuses. That right has been universally admitted by publicists, and in cases of extreme necessity, no doubt, does exist, because the *salus populi* must be preferred to all personal considerations. But necessity is always an exception, and our constitutions in requiring government to make compensation, in every case, for any trespass which it may have been constrained to commit upon the property or the rights of individuals, have disavowed the most odious privilege of this despotism, and consecrated, in a solemn manner, a high canon of political justice. Yet is there much to be done to perfect the scheme of a free commonwealth, even in this favored land. We must disavow that other privilege, which the philosophers of antiquity conceded to the body-politic—we must declare all legislation which is not necessary, to be *ipso facto* oppressive and therefore unconstitutional. With regard especially to restrictions on commerce imposed with a view to foster domestic industry, they are, if there be any virtue in political

economy the exercise of a power which no free government can be supposed to possess without a contradiction in terms—a power to levy a tax without an adequate object—to take away a greater amount of property from some classes in order to secure, without any benefit to the public, a smaller amount of property to others. It does appear to us to be the veriest solecism in politics to talk of such measures as consistent with any constitution written or unwritten, of which the object is the happiness of the governed, and not the gratification of a wanton and tyrannical lust of domination in the ruler. We express these sentiments with the greater emphasis at this interesting juncture, because, if we do not sadly mistake the indications of the times, they are destined soon to become the sentiments of the whole American people. We exult in a persuasion so honourable to the national character, so full of hope and promise for the future: nor do we rejoice the less, now that the whole country is beginning to ring from side to side, with the pæans of this anticipated triumph of reason and justice, because we have uniformly lent our humble aid to promote that first, great interest of civilized society, moderation in government.\*

A considerable part of the first book is taken up, as we hinted at the beginning, in retailing the prices of particular commodities in Attica, (pp. 83–147) from a comparison of which with prices in our times, the author seems to have persuaded himself that he could draw some safe conclusion, as to the relative wealth of Attica. For obvious reasons, as the translator has well observed, this collection of details is more curious and interesting than useful, at least for this purpose. It appears, however, to be a fair inference from the *data* furnished here, that all commodities which come under the description of the necessaries and comforts of life were very cheap—but there were luxuries upon which taste or fashion had set an extravagant value, such, for instance, as Chian wine, and especially ointment—the dearest article, by far, in use at Athens, a cotyla of it costing from two to five minas. The price of slaves varied very widely, according to the talents, education, beauty, and other personal qualities of those unfortunate people, and—since by a barbarous and detestable law of nations, all prisoners of war

\* The following passage from Cicero's Republic which has just occurred to us, deserves to be brought to the view of the reader in this connexion. It will be seen that Rome, exercised the right of protection as a right of conquest, and that the first of her statesmen and philosophers regarded it as a plain violation of justice:—"Nos vero justissimi homines, qui transalpinas gentes oleam et vilam serere non sinimus, quo pluris sint nostra oliveta nostraque vineæ; quod cum faciamus, prudenter facere dicimur, jus è non dicimur, ut intelligatis discrepare ab æquitate sapientiam." Cic. de Repub. lib. 3. § 9.

fell, of course, into that condition—in an age of perpetual war, the slave-market was always well supplied, and the range of choice presented to a purchaser in it, was as great as the distance between ignorance and brute nature, and the highest cultivation of taste and talent. Ordinary house-servants and slaves who did the meanest sort of labour, sold as low as two minas. The author quotes from Lucian a ludicrous valuation of the philosophers in which Socrates is estimated at two talents, a Peripatetic at twenty, Chrysippus at twelve, a Pythagorean at ten, Dion of Syracuse at two minas, and Philo the sceptic at a mina—he being destined for the mill. It may be remarked here, that the wages of labour were exceedingly low, and that the gangs of slaves maintained by the wealthy, and employed in every branch of trade and manufacture, kept the poorer citizens out of work, and thus, reducing them to a state of absolute dependance, made them the ready instruments and accomplices of unprincipled demagogues. The same effect upon the labouring classes is noticed by Tacitus at Rome, and it was mainly to remedy this very evil—which seems inseparable from the institution of domestic servitude, under certain circumstances—that the Gracchi undertook their “reforms.” The following extract shews forth some of the consequences which we should anticipate *a priori* from such a state of things :

“The national wealth of the Athenians, exclusive of the public property and the mines, I have estimated in a succeeding part of this work according to a probable calculation, at from 30 to 40 thousand talents; if of this only 20,000 talents are reckoned as property paying interest, each of the 20,000 citizens would have had the interest of a talent, or according to the ordinary rate of interest, an annual income of 720 drachmas, if property had been equally divided, which the ancient philosophers and statesmen always considered as the greatest good fortune of a State; and with the addition of the produce of their labour, they might have been all able to live comfortably. But a considerable number of the citizens were poor; while others were possessed of great riches, who from the lowness of prices and the high rate of interest were able not only to live luxuriously, but at the same time to accumulate additional wealth, as capital increased with extreme rapidity. This inequality destroyed the State and the morals of the inhabitants. The most natural consequence of it was the servility of the poor towards the rich, although they thought that they had the same pretensions as their superiors in wealth; and the wealthy citizens practised the same canvassing for popular favour, as was the custom at Rome, with different degrees of utility, or rather of hurtfulness. A citizen might perhaps adopt beneficial means for obtaining his end, as Cimon for example, the first man of his age, who besides his great mental qualities, imitated Pisistratus in leaving his lands and gardens without any keepers, and thus the produce of his farms and his house became almost the

property of the public ; he used also to provide cheap entertainments for the poor, to bury the indigent, to distribute small pieces of money when he went out, and to cause his attendants to change clothes with decayed citizens. Yet these were the very means by which the sovereign citizens were reduced to a miserable state of beggary and dependence. Even this however might have been tolerable ; but as every statesman had not the means of making such large outlays from his private fortune, and liberality to the people being necessary to purchase their favour, the distribution of money at the festivals, the payment of the soldiers, the Ecclesiasts, Dicasts, and senators, the costly sacrifices, and the Cleruchise, were introduced by the demagogues: the allies were compelled to try their causes at Athens, among other reasons for producing more fees to the Dicasts, and employment for the other citizens: of every oppressive act committed against the allies, public crimes were the consequence, which the demagogues pretended that they were driven to by the poverty of the people. And when the necessary consequence and punishment of their tyranny arrived in the defection of the allies, the helpless condition of the State had increased ; for the multitude had forgotten their former activity, and been gradually accustomed to ease and refinement ; no course therefore remained but to struggle to regain their former ascendancy. Add to this the envy which the poor entertained against the rich, and the joy and readiness with which they divided their possessions, upon which, after bribery had been tried in vain, the whole rage of the multitude vented itself. Xenophon, in his treatise upon the Revenues, understood perfectly that it was necessary to promote the welfare of individuals : but, leaving out of the question the insufficiency of his proposals, Athens, even if her power in foreign parts could have been restored, was lost beyond all hope of recovery, as the minds of her citizens could not be so easily recalled to a state consistent with her desired prosperity." pp. 154-156.

The interest of money at Athens, was not regulated by law—the lowest rate of it was, according to our author, ten—the highest thirty-six—the ordinary, from twelve to eighteen per cent. This will doubtless strike the reader as exorbitant ; and Mr. Boeckh attempts to account for it by the high profits of stock in every branch of industry. He adds, however,—what is, in our opinion, a more important consideration—that credit was at a low ebb, because, under such a government as the Athenian, no confidence could be reposed in the administration of the laws, and because, as will appear in the sequel, the immorality, the faithlessness, the libertinism of the people, both public and private, was such as it is difficult for the imagination of a modern even to conceive. Even the legislation of Solon, (which seems to have been unscrupulous enough, as Mr. Boeckh remarks,) had a tendency to produce this state of things. He abolished imprisonment for debt—we give no opinion as to that—but the famous measure of the Seisachtheia, proves that the State, under his administration, had no great respect for the obligation

of contracts and the security of property, whether, in our author's language, by this ordinance, merely the value of the currency was depreciated, or the rate of interest, also, was diminished, or whether, in certain cases, at least, a complete annihilation of all claims of debt was effected by it. Add to these difficulties of the law and of the manners, those which grew out of the situation of Attica, involved in perpetual war, and exposed to desolating inroads and ravages from enemies at her very door—sweeping away all moveable property from the face of the earth, and, of course, greatly impairing the value of land security. The consequence of such a state of things, was, as the translator suggests, that there was perhaps, no such thing as *interest* properly, so called at Athens; for interest is what the lender exacts as a remuneration for the mere *use* of his money, without taking into the account any risk or uncertainty, as to the punctual payment, according to the contract, either of interest or of principal. Another consequence was, that almost all money transactions fell into the hands of bankers and exchange-brokers by profession—who, besides their dealings in foreign coins at an *agio*, carried on an immense business in trading upon borrowed money. They were generally low fellows—freedmen, aliens, and so forth—but by great exactness in meeting their engagements, they acquired a wonderful degree of credit, and, even in such an age and such a state of society, were common referees in matters of dispute and depositaries of the contracts and effects of others. On the other hand, they exacted the “due and forfeit” of their own bonds with the sternest rigour, and became objects of as much popular odium as usurers have been in more recent times.

We close our remarks upon this introductory book, with some extracts from our author, which shew what was the ordinary rate of living at Athens.

“From the preceding particulars, it is possible very nearly to determine the sum which was requisite for the maintenance of a respectable person in the best times of Athens. The most moderate person required every day for opson one obolus, for a *choenix* of corn, according to the price of barley in the age of Socrates, a quarter obolus, making altogether in a year of 360 days, 75 drachmas; and for clothes and shoes at least 15 drachma; a family of four adults must therefore at the lowest have required 360 drachmas for the specified necessities; which sum for the age of Demosthenes, when the price of corn was five drachmas, must be increased by about 22½ drachmas, for each person, and for four persons by about 90: to this the expense of house-room is to be added, which, if we reckon the value of a house at the

lowest at three minas, taking the ordinary rate of interest of 12 per cent. gives an outlay of 36 drachmas; so that the poorest family of four free adults spent upon average from 390 to 400 drachmas a year, if they did not live upon bread and water. Socrates had two wives, not indeed at the same time, as has been fabulously reported, but one after the other; the first was Myrto, whom he married poor, and probably without a dowry; the second Xanthippe; he had three children, of whom Lamprocles at the death of his father had reached the age of manhood, while Sophroniscus and Menexenus were minors; for himself, after having sacrificed his youth to unceasing endeavours after knowledge, he followed no profession, and his teaching did not produce any pecuniary return. According to Xenophon, he lived upon his own property, which if it had found a good purchaser (*ὠνήτης*), would together with the house, have readily produced five minas; and he only required a small contribution from his friends: whence it has been inferred that prices were most extraordinarily low at Athens. It is, however, evident that Socrates and his family could not have lived upon the proceeds of so small a property; for, however miserable his house may have been, it cannot be estimated at less than three minas, so that even if the furniture is not taken into consideration, the rest of his effects only amounted to two minas, and the income from them according to the ordinary rate of interest to only 24 drachmas, from which he could not have provided barley for himself and his wife, not to mention the other necessities of life and the maintenance of his children." pp. 147, 148.

"If in the time of Socrates four persons could live upon 440 drachmas, they must have passed a very wretched existence, and to live respectably it was necessary even then, and still more in the time of Demosthenes, to be possessed of a larger income. According to the speech against Phænippus, the plaintiff and his brother inherited from their father 45 minas, upon which the orator says it was not easy to live, that is upon the interest, which according to the common rate, amounts to 540 drachmas." p. 151.

"The expenses of Demosthenes himself when a youth, of his young sister and of his mother, amounted to seven minas a year, exclusively of the cost of house-rent, as they lived in their own house: but the cost of Demosthenes' education was not paid out of this sum, as it remained owing by the guardians. After Lysias has finished speaking of the fraudulent account rendered by the guardian of Diodotus' children (who for example had charged more than a talent for clothes, shoes, and hair-cutting within eight years, and more than 4000 drachmas for sacrifices and festivals, and at the termination of his office would only surrender three minas of silver and 30 Cyzicenic staters), he remarks, that "if he charges more than any person in the city ever did, for two boys and a girl, a nurse and female servant, he could not reckon more than 1000 drachmas a year;" which would give not much less than three drachmas per day. This is equal to about two shillings and three pence in our money, a sum which certainly must appear too large for three children and two female slaves in the time of Lysias. In the age of Solon an obolus must have gone very far, for that legislator pro-



hibited any woman from carrying with her upon any procession or journey more than would buy thus much of food, together with a basket which was more than an ell long: and the Træzenians appear to have made a liberal donation, when, according to Plutarch, they decreed to allow two oboli to every one of the old-men, women, and children, who had fled from Athens at the time of the invasion of Xerxes. But in the flourishing times of the State, one person could live but moderately upon two or even three oboli a day; upon the whole however the cheapness and facility of living were considerable. From the piety of the Greeks towards the dead, the death of a man, with his funeral and monument, often cost more than many years of his life, for we find that private individuals frequently spent, for that purpose as much as three, ten, fifteen, or even 120 minas." pp. 152-153.

Having, in the first book furnished a valuable mass of collateral and preparatory information, Mr. Boeckh proceeds in the second, to enter upon his subject, which he pursues to the end of his work. He first addresses himself to the *Expenditure* of the State, with regard to which he regrets that we have not the same means of attaining to precise knowledge, as with respect to its income; but which, we think, he has done much to ascertain.

A preliminary question suggests itself to the author, which is curious enough to engage the attention of our reader. "Whether in ancient times, the operation of the financial system was of the same general and predominant importance, and exercised that influence upon the welfare and decline of nations, which it is found to possess in modern days." It may readily be admitted that the ancients had nothing which deserves the name of an elaborate and scientific system of finance. They stood not in need of such a system. Their wars—those of the Greeks, at least, at the period to which this work is confined—were sudden irruptions, mere predatory excursions, in comparison of those of the last century and a half. If they were ever so much prolonged—the Peloponnesian for instance—still each campaign, seemed, in a manner, separate from the others, as every reader of Thucydides must have remarked.\* The budget of their Chancellor of the Exchequer, therefore, was a very unceremonious affair. Hear Demosthenes tell the Athenians how they are to fit out an expedition to Thrace or Macedonia—read the still more striking, because more general and comprehensive, view which Pericles presents, of the ways and means at the breaking out of the long war just mentioned. It is the simplest thing in the world. The condition of Europe, under the feudal system, is somewhat in point. The revenues of

\* This is applicable, at least, to the first ten years of the war.

kings at that time—all that did not spring out of their own domains—were merely the fruits and incidents of tenure. Such an income (stinted as it was) together with the obligation of every vassal to serve forty days in the year, might enable them to carry on war, according to the fashion of the times, when war looked more like a border foray and a lifting of black-mail, or a sanguinary tournament and a gorgeous pageant, than (as we see it) a vast scheme of national ruin, concerted with the profoundest calculation, and combining and commanding all the resources, with which wealth and science have armed the destructive passions of the species. Any one who will compare the ordinary revenues of the king of England—that is to say, the feudal dues and “flowers of prerogative” here alluded to—with his *extraordinary* revenues, as the annual taxes paid by his people are called in our law books, will perceive what an immense difference there is between the exigencies they are calculated to meet. Thucydides accounts for the length of the siege of Troy by the poverty of the beleaguers. So mighty a host, he thinks, would have reduced the city much more speedily, had not the greater part of it been all the while employed in procuring supplies for the camp, by cultivating the Chersonesus, or by plundering the islands, and the coasts of the continent.\* This, was primitive enough, it must be owned, but old Cato’s saying—so much applauded in its day—that his war should support itself, shews that, even under a government formed for the conquest of the world, the policy of the heroic age, was not quite obsolete. Plunder, indeed, was at all times, a most important head in the financial system of antiquity. It is mentioned by Xenophon, in his Life of Agesilaus, that of the spoils gathered by that Captain in Asia, the tithe sent to the temple at Delphi, amounted to one hundred talents. And we shall see in the sequel, that the rapacity and violence which thus supplied the Greeks with the instruments of mischief abroad, were quite as much practised in the department of the interior, as in foreign war.

It is very conceivable, therefore, that the *legitimate* wants of the State were comparatively few, and supplied by coarser machinery, than in this age of vast empires and a systematic balance of power.† But we cannot admit the position, which seems to be countenanced by Mr. Boeckh, that in the commonwealths of antiquity revolutions and civil disturbances were less

\* Hist. l. 1 10.

† *Systematic*, we say, because the *idea* of a Balance of Power is too obvious not to have occurred to mankind in all ages, and in Greece it was frequently and understandingly reduced to practice. See Isocrat. ad Philip.

frequently caused by taxation (of one sort or other) than among modern nations. This is a great and fundamental error. Extortion surely does not suppose much skill in finance, and one of the most memorable struggles in the annals of the world—that which produced Magna Charta—was mainly occasioned by the exactions of the monarch and other great lords, in an age whose whole political economy may be summed up in the “good old rule” and “simple plan” of Rob Roy.\* Our author does not see how a revolution could have arisen in the republics of antiquity, from a refusal to pay taxes—because the imposers and the payers, were the same persons. This sounds speciously enough. But what was the fact, according to his own shewing (as will presently appear) and according to the universal testimony of the ancient philosophers and historians?† Why, that there was a perpetual war between the rich and the poor—that a destitute, and, withal, a dissipated and dissolute populace, with an appetite for plunder “wolfish, starved and ravenous,” were forever breaking through the barriers of the law, to prey upon the substance of their neighbours—and that their sycophants, the demagogues, lost no opportunity of glutting their rapacity, by offerings of forfeiture and confiscation at home, and a division, with or without a pretext for hostilities, of the territory of their oppressed and subjugated allies.‡ To refer, again, to the ideal commonwealths of the philosophers. Equality of fortune seems to be considered, in all of them, as a condition indispensable to their repose. Aristotle, in his admirable strictures upon Plato’s Republic, objects to a part of the plan, that it did not guard sufficiently against inequalities of property—which he declares to be a never-failing source of discord and sedition||—while in a passage referred to by M. Boeckh, he highly commends the scheme first introduced by Phaleas of Chalcedon, as better calculated to correct that besetting sin of society.§ We shall illustrate this subject more fully when we come to treat of the Property Taxes, the Liturgies and the Cleruchizæ.

This book begins with a very learned inquiry concerning the officers engaged in conducting the fiscal concerns of the government. The general administration of those concerns, subject to the supreme legislative power of the people, was committed to the Senate of 500. The farming of the revenues was under its superintendence. Those who were indebted for public or sacred property, were bound to make payment to it. The treasurers delivered in an account of moneys received and due to

\* Wordsworth. † Aristot. Pol. v 5—Isocrat. de Pace—Plato, passim.

‡ See v. li. pp. 144, 127, 129, 172, and v. i. 289 to 292.

|| Pol. l. ii. c. 4. § Ib. c. 5.

the same assembly, and it was charged even with such matters as the salary of poets, and the support of the impotent poor. It would not be very edifying to the general reader to mention the numerous officers concerned in the financial department, the more especially as it is not always easy to define their various functions. We will only specify the Manager of the Public Revenue (*ἐπιμελητής τῆς κοινῆς προσόδου*) a sort of Comptroller-General, and the Hellenotamizæ, who had charge of the tributes of the allies, or common treasury of the Athenian confederacy, to which we shall have occasion to advert in the sequel. It is worth while to add, that every officer almost without an exception, nay, that every person whatsoever, that had exercised any function, or been clothed with any authority or dignity by the State, was bound to render in a strict account of his stewardship. If he neglected to do so, he was not allowed to go abroad, nor to make a will, nor to be adopted into another family, nor to dedicate offerings to the gods, and his whole property was under a tacit hypothec to the commonwealth, until he had undergone this examination. He was, besides, subject to other disabilities, as the reader may inform himself by consulting the oration of *Æschines* against *Ctesiphon*. Yet with all these jealous and vexatious precautions, it is lamentable to reflect upon the scene of official profligacy exhibited in the annals of Athens.

“From what has been said it is evident that there was no want at Athens of well-conceived and strict regulations; but what is the use of provident measures, where the spirit of the administration is bad? Men have at all times been unjust and covetous and unprincipled, and above all the Greeks distinguished themselves for the uncontrolled gratification of their own desires, and their contempt for the happiness of others. If any competent judge of moral actions will contemplate their character without prejudice, and unbiassed by their high intellectual endowments, he will find that their private life was unsocial, and devoid of virtue; that their public conduct was guided by the lowest passions and preferences; and, what was worst of all, that there existed a hardness and cruelty in the popular mind, and a want of moral principle to a far greater degree than in the Christian world. The display of noble actions, it is true, has ceased, and will never re-appear with the same brilliancy; but the principles of the majority of mankind have been elevated, even if we allow that some distinguished individuals in ancient times were as pure as the most exalted characters of modern days; and in this general elevation consists the progress of mankind. When we consider then the principles of the Greeks, which are sufficiently seen from their historians and philosophers, it cannot be a matter of surprise that fraud was used by public officers at Athens in so great a manner as the regulation of the days: in the early times of the republic *Aristides*

accused his contemporary Themistocles of this deceit; it was even the common opinion that there existed a certain prescriptive right to the commission of this fraud, and a person who had scruples on the subject was censured for his too great strictness. Every where we meet with instances of robberies and embezzlement of money by public officers; even the sacred property was not secure from sacrilegious hands. The Romans had at least a period in which fidelity and honesty were practised and esteemed: but among the Greeks these qualities will be sought for in vain. All officers of finance were bound by a solemn oath to administer without peculation the money entrusted to their care; "but if in Greece," says the faithful Polybius, "the State entrusted to any one only a talent, and if it had ten checking-clerks, and as many seals and twice as many witnesses, it could not ensure his honesty." The officers of finance were therefore not unfrequently condemned to death or to loss of property and imprisonment; sometimes indeed unjustly, when money had accidentally been lost; but the Logistæ allowed themselves to be disgracefully bribed in order to enable the offender to evade the legal penalty. Even the great Pericles does not appear to have been free from the charge of peculation, if at the least the story is true which represents Alcibiades to have said, on hearing that Pericles was occupied in preparing his accounts for the people, that he would be better occupied in endeavouring to render none at all. The comic poets, who undermined the fame of every distinguished person, have also brought against him charges which are doubtless exaggerated; for example, Aristophanes in the comedy of the Clouds misunderstands and ridicules an item in the account of Pericles which he had rendered in his capacity of general, although in this instance he was free from all blame. The truth is that he had charged ten talents without specifying the particular object to which they had been applied; but the charge was allowed by the people, as it was well known that they had been used for purposes of bribery, and that the names of those who had received them could not be mentioned without offending Pleistonax the king of Sparta, and the Harmost Cleandrides. There is however a very general tradition that Pericles was in great difficulties with his accounts. Before the breaking out of the Peloponnesian war, Phidias the sculptor was subjected, by means as it appears, of a conspiracy, to an examination respecting some gold which he was accused of having embezzled; on that occasion Pericles extricated himself and Phidias from the difficulty. But other attacks were made upon him for the purpose of annoyance; and at last when the Athenians were dissatisfied with his expenditure, they required an account of his financial administration. The importance of this transaction is evident from the proceedings which were proposed for it: the account was to have been referred to Prytanes; and according to the decree of Dracontides, the judges were to vote from the altar upon the Acropolis, which was the most solemn method of deciding. This last ceremony was dispensed with by the interference of Hagnon, and it was directed that five hundred judges should sit in judgment upon this case, in which was uncertain whether there had been peculation or some other offence. In order to put an end to this contest, in which he was in danger of falling a sacrifice both party

rage and individual perfidy, Pericles is said to have engaged his country in a war; a severe accusation, which however will be in some degree diminished, if it is considered that several causes contributed, and that this selfish motive might only have added strength to other inducements. I am the less inclined wholly to acquit Pericles of this charge, because Aspasia is also said to have contributed to the undertaking of Samian war." pp. 260-263.

The pursuits of a people, like those of an individual, are seen in the objects of their expenditure, and the disbursements of the public money at Athens will challenge the profound attention of a philosophic reader. They are extremely characteristic. Pleasure, the arts, magnificence in public edifices, rewards for genius and valour, and above all, distributions of money among the people, under the various forms of pay, pension and bounty. There was, to be sure, no community of goods *eo nomine* established by law—but one might suppose it the covert object of the whole administration of affairs, to bring about the same result in practice. Demus, like other kings, had his privy-purse, as Mr. Boeckh expresses it, as well as his exchequer—and we are not to wonder if we sometimes find every branch of the public service stunted, every serious national interest neglected and suffering, while a heedless and remorseless prodigality lavished the resources of the country, upon the *menus plaisirs* of that wanton and voluptuous, however elegant and refined despot.

The regular expenditure is arranged under the following heads:—Expenses of public buildings—police—celebration of festivals—donations to the people—pay for certain public services in time of peace—maintenance of the poor—public rewards—and the providing of arms, ships and cavalry in time of peace. Extraordinary expenses, which were occasioned by war, are treated of at the end of the book. The first item has been made especially interesting to us by the half defaced monuments that even now attest its magnitude. There is a famous passage in the oration of Demosthenes against Aristocrates,\* which deserves to be quoted as a *locus communis* on this subject. He reminds his hearers, that in the time of their fathers every thing in the city that belonged to the public was costly and magnificent, while there was no distinction among private individuals—that the houses of Themistocles and Miliades, differed in no wise from those of their neighbours, while the national edifices and other property of the commonwealth, were such that succeeding generations had been

able to add nothing to their splendor, these Propylæa, says he, the Docks, the Porticoes, the Piræus, and other things with which you see the city adorned. But now, they who administer the affairs of the commonwealth, accumulate such fortunes, that some of them have built them houses more magnificent than many of the national edifices, others have bought up more land than all of you in this court, put together, possess—while the public buildings which you are erecting are so paltry and contemptible, that one is absolutely ashamed of them. This passage, making every allowance for the peevishness of a declamatory censor, states, probably, the historical truth of the matter, and we subjoin another, from the work before us, which will shew how important an interest, at Athens, the Public Buildings were, and why it was, that her matchless orator was so fond of dwelling upon “the Parthenon and the Propylæa.”\*

“The public buildings, the magnificence and splendid execution of which still excite astonishment even in their ruins, were constructed at so great an expense, that they could not have been attempted without the treasure derived from the tributes: their maintenance alone required a considerable standing expense. I will only mention the building of the Piræus by Themistocles, the fortification of it together with the other harbours, the market-place of the Hippodamus, the theatre and the many temples and sacred edifices, in the Piræus: the docks, in which the ships lay as it were under cover, cost 1000 talents, and after having been destroyed in the Anarchy by the contractors for three talents, were again restored and finally completed by Lycurgus.—A splendid edifice in the Piræus was the Arsenal built by Philon and destroyed by Sulla (*σκευοθήκη, ὀπλοθήκη*). The fortifications of Athens were enormous; besides the Acropolis, the city and the Piræus with Munychia were respectively fortified: the two latter embraced a circumference of eight English miles, with walls sixty Grecian feet high, which Pericles wished to make as much as double this height; and at the same time so wide that two carriages could easily pass one another upon them; they were built of square stones without cement, joined together with iron cramps; the city and the harbour were also connected by the long walls, the longer of which was equal to forty stadia (five English miles), the shorter to thirty-five; built upon marshy ground raised with stones. And these immense works were restored after their destruction in the time of the thirty tyrants: for which purpose the Athenians were, it is true, assisted by a donation of money from Persia. To these were added in time of war, ramparts of earth, trenches and parapets, for the strengthening of the works; together with the fortification of smaller places in Attica. Thus Eleusis was fortified as being an ancient, and formerly an independent city; also Anaphlystus, as we learn from Xenophon and Scylax; so again Sunium was fortified in the Peloponnesian war, as well as in Thoricus and

\* *Æschines in Ctesiph.*

Œnoë a stronghold upon the Bœotian frontier; together with the secure defences of Phyle; lastly Aphidna and Rhammus, which in the time of Philip, together with Phyle, Sunium, and Eleusis, were used as places of refuge. But how great was the number of splendid buildings which the city and its environs contained; if we consider the spaces used for the assembly, the courts of justice, and markets, the highly ornamented porticos, the Pompeum, Prytaneum, Tholus, Senate-house, and other buildings for the public offices; the innumerable temples, the Theatre, the Odeum, wrestling-schools, Gymnasia, Stadia, Hippodromes, aqueducts, fountains, baths, together with the buildings belonging to them, &c. And again how great must have been the expense of the works upon the Acropolis. The entrance alone, the Propylæa, which occupied five years in its construction, cost 2012 talents. Here too the numerous temples, the Temple of Victory, the Erechtheum, with Temple of Minerva Polias and the Pandrosium, and splendid Parthenon, all these were adorned with the most costly statues and works of art, and enriched with gold and silver vessels. And besides these great works, how many were the perpetual small expenses, of which we have scarcely any notion, that occurred in an ancient State; for example, the building of altars, which were always erected for certain festivals. Here we may also mention the construction of roads, not only as regards the paving of streets in Athens, but the formation of the roads to the harbours, of the sacred road to Eleusis and perhaps to Delphi as far as the boundary, since it is asserted that the Athenians first opened the road to this place." pp. 268-271.

Police, considered as a part of penal jurisprudence, is not congenial to free institutions, and that of Athens was no exception to the rule. Not that offences, real or imaginary, against the law, escaped with impunity, for the want either of prosecutors or tribunals. Far from it—on the contrary, every citizen, in that jealous democracy, was allowed by law, and seemed disposed by inclination, to accuse, and there existed undoubtedly, in political matters and every thing connected with them, a spirit of intolerance and treachery upon a large scale, scarcely less fatal to the confidence of social life, and to all liberty of speech than the systematized espionage of despotic governments.\* Witness the case of Socrates. He was put to death, as Æschines openly affirmed in the public assembly, because he had educated Critias†—that is to say, we have no doubt, because of those very discourses upon government, which the divine eloquence of his disciple, the founder of the academy, has commended to the admiration of all time. But it is the business of police to prevent rather than punish crimes, and in this respect there does not seem to have been any institution of the kind at Athens. We may except, indeed, a city-guard of from three hundred to twelve hundred public slaves (for the number varied

\* That is to say, on *political* subjects. See *Apology for Socrates*. † In *Timarch*.



at different periods) who lived in tents in the market-place, and afterwards on the Areopagus, and kept watch and ward over the peace of society.

The public festivals were the occasion of a prodigal expenditure. It is not to be denied, however, that it was attended with great benefits, by cultivating the sentiments of natural religion, the elegant humanity of social intercourse, and the genius and taste for literature and the arts, which made the Athenians, emphatically, a peculiar people. The splendid pageantry of the procession and the chorus, the decorations of the temple, the music and the gymnastic games, the intellectual pleasures and the scenic pomp of the theatre, the sacrificial banquets for which hecatombs of victims bled, the costly perfumes that smoked upon the altars, the golden crowns and tripods bestowed upon the victors in the games—such were the principal items of the lavish and luxurious, but refined profusion, that beguiled the leisure hours of that wonderful antithesis “the Demus of Erechtheus.”\* The theatre, especially, was a source of enormous expense. They laid out upon it sums sufficient to equip and maintain armies. “If it were calculated, says a Lacedæmonian in Plutarch, what sum each play cost the Athenians, it would be found that they had spent more treasure upon Bacchæes, and Phœniæes, and Œdipuses and Antigones, and the woes of Electra and Medea, than upon wars undertaken for empire and for freedom against the Barbarians.” The cost of wars for freedom is not to be counted, but how many millions, wrung from the sweat and tears of the industrious, have been squandered, in the course of the last century, upon projects of conquest and of commercial aggrandisement, of which all the benefits put together, are not worth the Œdipus or the Phœniæes!

The chief of the popular donations were the Theorica—a fatal innovation of Pericles—of which the unavoidable, however unforeseen, result was utterly to deprave and intoxicate the people by the mingled indulgences of pleasure, of power and rapacity. Distributions of corn, and the division, by lot, of the lands in conquered countries (*cleruchiæ*) together with the public revenues from the mines, were inveterate evils, but the illustrious Demagogue just mentioned, was the first to reveal the *arcanum imperii* of that fierce democracy—to commend to their lips the worse than Circean cup which wrought so great a change in their nature—by which “they lost their upright shape and downward fell” into an equally grovelling and ferocious herd “trapped

with liquorish baits fit to ensnare a brute," and hurried on in a wild, feverish delirium from one excess to another, while some designing sycophant, their minion for the time being, played the master of the revels, and the Agora might almost be likened to those dark haunts of Comus—

“—— Whence night by night  
He and his monstrous crew were heard to howl  
Like stabled wolves, or tigers at their prey,  
Doing abhorred rites to Hecate.”

If any of our readers think that we have painted the effects of this system of corruption in exaggerated colours, let him examine—not what is *called* the caricature, though we think it the authentic testimony, of Aristophanes—but what sober history records of these Athenian demagogues. Let him consider the character and career of Demades, for example—the most gifted of them—a man of whom no less a person than Theophrastus pronounced that he was *above* a city of which Demosthenes was only “worthy”—let him trace this man’s progress through his uniform course of prostituted and unprincipled sycophancy—first under the tyranny of the mob, and afterwards under that of its destroyer, Antipater—for with a disgraceful, though natural consistency, he was equally the toad-eater of both. Or, to omit others, let him hear what Theopompus, a witness above exception—in a single passage, fortunately preserved out of a whole book of his history, in which he discoursed at large of the popular leaders at Athens—says of Eubulus of Anaphlystus, renowned above all his compeers for the part he took in bribing the people with the gratifications bought by this same misapplied fund—the Theorica. “He was, says the historian, a celebrated demagogue, active and indefatigable in his vocation, but during his administration, and by his distributions of money, Athens sunk to the lowest state of inactivity and indolence, exceeding even Tarentum in extravagance and debauchery.” It is needless to add that, in such a state of public morals, political libertines did not suffer the vast sums of money expended upon these worthy objects, to pass through their hands, without retaining a suitable compensation, for their own merit in procuring the expenditure. They contrived, like most of their antetypes, the jacobins of France, to enrich themselves by their disinterested service of the commonwealth. Yet, is it melancholy to reflect upon the fate of such exemplary patriots. They, almost without an exception, ended like Wolsey and Sejanus; for the tyrants they served were of precisely the same stamp—jealous, capricious, sudden and quick in quarrel, vio-

lent in the excesses of passion, and too fond of self and pleasure, not to covet and to employ every means of obtaining them. As soon, therefore, as their ministers became rich enough to be suspected of *incivism*, they fell victims to the cupidity they had so studiously awakened, and were compelled, by an ungrateful multitude, to pay back in fines and forfeitures whatever they had accumulated by years of diligent perulation. Mr. Boeckh has cited, in another part of his work, many instances of this poetical justice, executed, upon their panders and betrayers, by a depraved and injured people.\*

The following account of so important an institution as the *Theorica*, cannot but be acceptable to our readers :

“ The distribution of the *Theorica*, which, as we have seen, produced such fatal consequences to the Athenians, took its origin from the entrance-money to the theatre. The entrance was at first free, and crowds and tumults having arisen from the concourse of many persons, of whom some had not any right to enter, it was evidently to be expected that in a theatre constructed of wood, which was the only one that Athens then possessed, the scaffolding would break ; and this accident in fact took place ; to avoid which evil it was determined to sell the seats for two oboli ; but in order that the poor might not be excluded, the entrance-money was given them, on the delivery of which each person received his seat. Persons of high rank no doubt at first disdained this as well as other donations ; although in the age of Demosthenes they received the *Theoricon*. It is possible that the entrance-money for the theatre was introduced before the *Theoricon* was first paid by the State : it may be fairly supposed that, the citizens having for a time defrayed it at their own expense, the State undertook to pay for the poor ; and the introduction of the entrance-money may be fixed without improbability as early as the 70th Olympiad, at which time the scaffolding fell in suddenly, when Pratinas and probably also *Æschylus*, were representing in the theatre. But the payment of the *Theoricon* out of the public money was first introduced by Pericles ; and when Harpocration calls *Agyrrhius* the author of the *Theoricon* in the extended sense of a distribution of money, he refers to an increase of it made at a later period, of which I shall presently speak. This distribution of the *Theoricon* filled the theatre. We may observe, that the entrance-money was paid to the lessee of the theatre (*θεατρώνης, θεατροπώλης, ἀρχιτέκτων,*) who was bound to keep the theatre in repair, and who paid something to the State for rent, as we see in the case of the theatre at Piræus. Ulpian, a writer on whom very little dependence can be placed, affirms that one obolus was given to the lessee of the theatre, or, as he calls him, to the *Architecton*, and that the citizens received the other for their support ; this statement however is without foundation, for, according to Demosthenes, the regular entrance-money was two oboli ; although it is so far true, that a separate payment of

Theorica was made for the banquet of the citizens. It might also be supposed that, as Demosthenes reckons the entrance-money among the smaller revenues of the State, the payment was received on the public account, and not for the lessee; but even though the tenant received it, it might have been enumerated among the national profits, inasmuch as he paid a rent to the State; so that this example from Demosthenes, who only speaks in general terms, and without any great precision, proves nothing in contradiction to my opinion. The privilege of receiving the Theorica was obtained through registration in the book of the citizens (ἀρχιανδρῶν γράμματιον); the distribution was made both individually and by tribes, absentees receiving nothing; and it took place in the Assembly, which was sometimes held in the theatre, particularly when the business related to the celebration of the Dionysia. The application of the Theorica was soon extended, and money was distributed on other occasions than at the theatre, though always at the celebration of some festival; and as either a play or procession was invariably connected with it, the name still continued applicable. Under the head of Theorica were also comprised the sums expended upon sacrifices and other solemnities. Not only at the Panathenæa, but at all the great festivals (ἐπομηνιαί), Theorica were distributed. In the Choiseul Inscription we find that in Olymp. 92. 3. from the public treasure alone (probably however on condition of repayment) in the first seven Prytaneias 16 talents 4787 drachmas were paid to the Hellenotamiæ, under the name of Diobelia, which formed a part of the Theorica. The citizens were thus enabled to celebrate the festival with greater luxury; and from this various application of the money there has arisen an uncertainty whence the Theoricon took its name; and Ammonius, in direct contradiction to Cæcilius, denies that it had reference to *spectacles* (θέαι).” 292-296.

Mr. Boeckh thinks that at least eight thousand out of the twenty thousand citizens received this public largess—so that it amounted to a talent a day. This again, multiplied by twenty-five or thirty—the number of days on which the distribution was probably made—gives twenty-five or thirty talents for the whole amount of the expenditure. In process of time, however, it was greatly increased. All the money destined for the exigencies of war was *by law*—by a deliberate act of the people, in their sovereign capacity, prescribing rules for future legislation—solemnly appropriated to this purpose, and it was made death, for any orator even to *propose* to the assembly the diverting of the fund, in the most pressing emergencies of the State. Their pleasures were to be preferred to their preservation. Every reader of Demosthenes knows that even when Philip was disclosing his projects of ambition by a train of measures obviously calculated for the subjugation of all Greece; it was impossible

to adopt any effective scheme of defence, because of this truly Sybaritical enactment.

Under the head of salaries or compensation for public services in time of peace, the most important were the wages of the general assembly, the Senate of 500, and the Dicasts or judges. The pay of the last, although trifling, amounted to a great deal at the end of the year, on account of the multitude of judges and the immense litigiousness of the people. Besides their own law-suits, too, they tried those of their allies, and we are not to wonder, therefore, at the result which is thus—some-what strongly—stated by our author.

“Nearly the third part of the citizens sat as judges every day: hence that passion for judging necessarily arose, which Aristophanes describes in the Wasps, and the citizens were thus not only made averse to every profitable and useful employment, but were rendered sophistical and litigious; and the whole town became full of pettifoggers and chicaners, who were without any real knowledge of law or justice, and on that account only the more rash and thoughtless. According to the expression of the comic poet, they sat, like sheep, muffled up in their cloaks and with their judicial staff, for three oboli a day, thinking indeed that they managed the affairs of the State, while they were themselves the tools of the party-leaders.” p. 304.

We would remark, in this connexion, that although we are any thing but admirers of the Athenian system of judicature, and have no doubt, that great injustice and uncertainty in the tenure of property and the transactions of mankind, were the fruits of these popular decisions upon points of law, yet such an order of things was not without its compensation. It was a school in which the public mind was trained, and (better still) restrained. The Dicasts were selected from the multitude, whose eyes were upon them. Their responsibility, and, what is of more moment, their own sense of it, were very much enhanced by that circumstance alone. There is something, too, in the very function of judicature, so important, so solemn, so elevated, that has an effect even upon the basest and most depraved of the species. There are men who would vote for a bill of attainder, in a legislative assembly, in times of popular excitement, against an individual whom they would not, sitting as judges, find guilty of the alleged crime. Bad as the Athenian people were in the Ecclesia, they were, we incline to think, somewhat better in the trial of public causes. They were there made to feel the obligations of duty—to find that some restraints had been, or ought to be, imposed even upon their own divine prerogatives—to have some little considera-

tion for the rights of others—and to perceive—too faintly, too transiently, to be sure, but still occasionally to perceive—to get a glimpse of—the sublime and everlasting truth, that the difference between liberty and despotism is precisely that between *law* and *will*—between the law which never changes—which neither loves, nor hates, nor fears—impartial as the justice it executes, unerring as the reason which guides it—and the wayward, passionate, and perverse caprices of miserable mortals. The discipline in their tribunals, we admit, was none of the best, but still it was better than none—especially in an age when all instruction was communicated *orally*, and there was no reading public at all. It deserves to be added, by the way, that it is in this point of view, that we deem with such high reverence of our system of Jury-Trial. It is an admirable scheme of discipline. It is the true school of republican liberty. A single prætor, a high justiciary, might, perhaps, dispose of cases—even of fact merely—as correctly in the long run—but, we verily believe, our political institutions, well poised as they are, would perish with such an innovation.

The wages of the popular assembly—at first an obolus, afterwards three oboli a day—were a comparatively recent invention—that is to say, more recent than the administration of Pericles, though before the Ecclesiastusæ of Aristophanes, as appears from the ridicule thrown upon it by that great political satirist. The other items of public expenditure need not be much dwelt upon. We were rather struck with M. Boëckh's estimate of the number of paupers, or pensioners, on account of their poverty alone, which he thinks amounted to 500—at least, after the losses of property and the general distress, public and private, occasioned by the Peloponnesian war. As for the gold crowns, and other rewards of merit or success, it is sufficient to remark, of so inconsiderable an item of expense, that they were far more rarely bestowed, when the number of those who deserved them was greater, than in a later and a degenerate age. They who restored the democracy after the Anarchy, who brought the people up out of the house of bondage, received chaplets of leaves as a recompense for their virtue, while Demetrius Phalereus saw 360 statues erected in his honour, within not quite as many days.\*

If we sum up all the expenses stated by M. Boëckh, it will be found that they did not amount, at the lowest estimate, to

\* They were demolished still more speedily. See the melancholy and instructive sequel in Diog. Laert. lib. v. Menander, the comic poet, came very near being condemned, because he had been the friend of Demetrius! Alas! "how near the Capitol is the Tarpæan Rock!"

less than 400 talents a year, but making allowance for occasions of extraordinary profusion, 1000 talents, he thinks, might have been easily consumed, in time of peace. It is impossible to determine the real value of the precious metals, that is to say, their value in relation to the necessities of life, at so distant a period, with any sort of certainty. But it may be safely stated, as in the work before us, at only a third of their present value—an estimate undoubtedly too high. Even at that rate, however, it must be admitted, that a standing annual expenditure of a thousand talents a year, for a population of 500,000, three fourths of whom were slaves, was very great, in an age when all the resources of industry and commerce were so very inferior to what they now are. But this does not include that source of ruinous prodigality—war; and Athens, as we have remarked, was perpetually at war. It is true that the *matériel* and munitions of an army were far less costly to the State, than they are in our times, and the whole system of warfare, as we have seen, was more simple and less onerous than the modern. Add to this, that until the administration of Pericles, the troops received no pay, that citizen soldiers would (many of them at least) provide their own arms and accoutrements, and that, by the trierarchy, the rich were compelled to bear the greater part of the expense of equipping the fleet. After making every allowance of the sort, however, a warlike and ambitious commonwealth, at the head of a confederacy of commercial cities, the rival of Sparta, the representative and champion of democratic power against the Dorian oligarchy, the refuge of the feeble and the oppressed, with a form of society and with habits of profusion, such as we have described, must often have been straitened for money, in an age of which the industry and credit were any thing but flourishing. Thus, the single item of pay for the troops, in the Sicilian expedition, amounted (annually) to 3600 talents, a sum equal to the whole revenue of the State in its best condition, and greatly exceeding its average amount. .

We now proceed to consider the subject of the third and fourth books—the revenues, ordinary and extraordinary—of the Athenian Commonwealth.

Direct taxes, and, of all others, a poll tax, were regarded by the people with great aversion. Besides that the mode of levying such taxes, is, even in its mildest forms, in some degree inquisitorial and vexatious, they thought it not agreeable to the genius of a free government, thus openly to exact by virtue of a prerogative, from the very nature of the case, despotic and arbitrary—the money of its subjects,

“ With bare-faced power to sweep it from their purse,  
And make its *will* avouch it.”

They felt that taxation, in this form at least, is confiscation—and our author seems even to doubt, whether before the urgent exigencies of the Peloponnesian war demanded it, such an expedient had ever been resorted to by the Athenians. We do not think the authority relied on bears him out to the whole extent of this position,\* but at any rate, it cannot be denied that impositions of the sort had been, before that period, very light and merely occasional, and that, at all times, a people impatient of control, even where it was most salutary, and rather accustomed to look to government for their own sustenance than to think of contributing to its support, were disposed to countenance every other scheme of finance preferably to this. But disguise it as you will, taxation is still confiscation, which nothing but the necessities of the State can excuse—and duties on consumption—although recommended by the double merit of being less offensive in their form, and adjusting themselves with greater ease and precision to the capacity to pay them—are obviously not the less unjust (if they exceed the proper limits) on that account. It argues excessive apathy or thoughtlessness in a people, to acquiesce in such an abuse, while they resist another which differs from it precisely as robbery does from stealing privily from the person—both of them made capital felonies by our law, the one because of its outrageous and alarming character, the other on account of the facility of perpetrating it and the difficulty of detection. The Athenians, it is true, did not fall into this error through their horror of direct taxes, for their custom-duties amounted only to 2 per cent. *ad valorem*, indiscriminately levied upon imports and exports, and even when they came to exchange the tributes paid by their allies for an impost of the same kind—oppressive as their general policy in regard to these dependencies was—they thought one of 5 per cent. an adequate compensation for a most important branch of their revenue. But their repugnance to direct impositions, led to other and greater abuses. It led to this very oppression of their allies—to the misapplication of funds contributed by all Greece, for the common defence, to local, thriftless, wanton and corrupt expenditures—to a train of measures that made Athens the scourge,

\* He cites Thucydides III. 19. A German writer (Tittman) has some good remarks upon this passage, and quotes on the other hand, Pollux VIII. 108. Hesychius in *v. ναύκληρος*, Ammonius in *v. ναύκληροι*, Thom. Magister in *v. ναύκληροι* and cf. Thucyd. I. i. 141.



instead of the shield and glory of the democratical confederacy—and thus—in spite of her great vigour and resources, in spite of her immense services at Marathon, at Salamis, and Artemisium, and her unrivalled and conceded superiority in whatever adorns civilized life—to her being crushed, even in her proudest estate, beneath the universal odium which her arbitrary measures most justly entailed upon her. It led to the same kind of tyranny at home—to schemes by which the few were compelled to bear almost the whole burthen of the State, while the many lived, or rather rioted, upon its bounty—to acts of confiscation and plunder, infinitely worse, as far as they went, than the worst taxation in its regular forms, and utterly unworthy of a free people.

All the ordinary revenues of Athens are reduced by M. Boëckh to the four following classes: 1. Duties (τίλη) arising partly from the public domains including the mines—partly from the customs and excise, and some taxes upon industry and persons, which extended only to aliens and slaves. 2. Fines and forfeitures (τιμώματα) together with justice fees and the proceeds of confiscated property (δημιόπρατα). 3. Tributes of the allied or subject States (φοροί) and the regular Liturgies.\* (λειτουργίαι ἐγκύκλιοι) It is a remark generally applicable to these various branches of revenue, with the exception of the fines, (and, we may add, the war-taxes, hereafter to be noticed,) that the State, in order to save itself trouble and expense, devolved the collection of them upon publicans or farmers-general. This wretched system—pregnant with fraud and oppression—ruinous to the citizen without benefiting the public—greatly aggravated the evils of an imperfect scheme of finance. The very name of publican became a bye-word of reproach. In the Roman Commonwealth these people played an important part, as one would naturally conjecture from the extent of the empire and its immense resources. Cicero always speaks of them with profound respect as an *order*—as almost a separate *estate* of the realm. Yet we have his evidence—in a letter to his brother, written for the particular edification of Quintus, during his administration in Asia—to shew that unless their rapacity were curbed by the authority of the pro-consul, there was no excess to which it would not go in the provinces. Indeed, their conduct had been intolerable even in Italy—so much so, indeed, that all customs had been abolished, in order to get rid of the extortioners, who farmed them of the State. Yet, bad as the Roman publicans were, Cicero does not think the Greeks of Asia

\* Public contributions, in the nature of personal services, exacted of the rich, which will be explained in the sequel.

Minor ought to be alarmed at their *name*—because the Greeks had always been accustomed to a system, the same in principle, and administered with fully as much severity and oppressiveness.\* When the branches or items of revenue to be let out in this way were of too much magnitude to be taken by one man, several or many entered into a species of partnership, or joint-stock company for that purpose. The practices of these bodies were, as usual, still worse than those of individual farmers. They were mere conspiracies, at once, against the exchequer and the people. There was a perfect understanding among them to *jockey* the public in the auctions at which the revenues were let out, and they seldom failed to accomplish their double purpose of paying the government as little as possible, for the power to wring as much as possible out of the tax payers.

The mines were the most important part of the public domains. The State was sole proprietor of them, but they were always worked by private persons, to whom they were granted on a sort of perpetual lease or fee-farm, assignable like any other kind of property, by the lessee and his heirs. Besides the price given for this lease in the first instance, the tenant paid, as a yearly rent, the twenty-fourth part of the net produce. The most considerable of the mines, were those of silver on Mount Laurium, which extended from shore to shore, over a space of seven English miles. Their productiveness gradually decreased, from the time of Themistocles, when it appears to have been some 30 or 40 talents a year, to that of Strabo, when the working of them was quite discontinued on account of their exhaustion. They were let out generally by shares to companies, and the number of possessors was considerable. They had, as tenants, or usufructuary holders of the property of the State, some privileges—such, for instance, as exemption from the liturgies and their consequence, the *antidosis*. Their interests, together with those of the public, were protected by a special code—the law of the mines—and a peculiar procedure was adopted to give them speedy justice, as in the courts of the Stannaries in Cornwall. As to mines out of Attica, it does not appear that the Athenians claimed the property of any of them by right of conquest or otherwise, except the gold mines of the Thasians in Thrace, of which the most productive were those of Scape Hyle, on the continent—a place made still more memorable, as the residence of Thucydides during his long exile and by the composition of his

\* Ad Quint. frat. l. I. 1. He speaks of their "Societies" with all the respect due to bodies of great influence in the commonwealth. Yet the truth leaks out.

immortal history. That great writer, it may be added, became by marriage possessed of a large proprietary interest in some of the gold mines of Thrace—it is not certain which.

We have already spoken of a duty of two per cent. paid on imports and exports. There are no means of ascertaining satisfactorily what the whole annual amount of it was. Mr. Boeckh conjectures that it was from 30 to 36 talents—which shews the gross value of the exports and imports to have been short of 2000 talents. It is to be regretted that we have no data that can be safely depended on in relation to so interesting a point. In addition to the customs, our author ventures an opinion that a small port-duty (ἐλλιμνιον) was exacted of all vessels for the use of the harbours. This, too, is a matter of mere conjecture; nor is it quite clear what was the nature of the duties levied upon all sales in the market. From the importance, however, attached to the tax, it seems fair to conclude, that it was an excise. Under this head must, also, be classed the 5 per cent. imposed upon the allies in lieu of their former contributions, and a toll of 10 per cent. extorted after the 92<sup>d</sup> Olympiad on all cargoes going into or coming out of the Pontus. This last source of revenue, however, which was probably not inconsiderable, was cut off, with so many others, by the fatal defeat at Ægospotamos; and though re-established by Thrasybulus about the ninety-seventh Olympiad, was soon abolished for the second time.

Of the other items of revenue that fall under the first head, it will not be necessary to take very particular notice, with the exception of the μετοίκιον or protection money of resident aliens. This was a tax of 12 drachmas a head upon every foreigner domiciled in Attica. The jealous spirit of their laws treated persons so situated as of an inferior caste. They were compelled to put themselves under the care of a guardian or patron (προστάτης)—they had no *persona standi in judicio*, and were, in short, in a state of perpetual pupillage and incapacity. The imposition thus levied upon them, was exacted with the most unmerciful rigour, as we may learn from the noted example of Xenocrates, a disciple of Plato and his second successor in the Academy, who, distinguished as he was in philosophical pursuits and by morals of the most unimpeachable purity, was sold as a slave for a default in this particular.\* Yet to the consequences of this barbarous law, 10,000 foreigners, on an average, were willing to expose themselves every day—such were the irresistible fascinations of Athens! It is sufficient barely to mention

\* Dlog. Laert. lib. iv. Demetrius Phalereus bought and emancipated him,

the taxes upon fortune-tellers, jugglers, and other the like impostors—the *σπινκὸν εἶδος* which sullied the codes of the Roman emperors even after the conversion of Constantine, and exists at this day, in some States, (calling themselves civilized) on the other side of the ocean—and a duty upon slaves scarcely distinguishable in the few places that remain of it.

The justice-fees—the second of the four heads of revenue mentioned above—are treated by M. Boeckh at very considerable length, and with a great display of exact and extensive knowledge. He distinguishes carefully between the various denominations under which they fall—the *Prytaneia*, the *Parastasis*, the *Epobelía*, and the *Paracatabole*. But, this nice and technical knowledge can only be acquired, by a diligent perusal of all that our author has written—and we will merely add that the proceeds of the two first descriptions of fees were appropriated to the payment of the *Dicasts*; and that owing to the excessive litigation that prevailed at Athens, they went far to accomplish that object.

We come now to those financial expedients, which were most fearful instruments of corruption in the hands of the demagogues, and led necessarily to such tyrannical abuses of power, as all men are, under certain circumstances, unhappily prone to, but none more than the impetuous, petulant and reckless populace of Athens—fines and forfeitures.\* The former, which in the age of Solon (owing, in some degree, perhaps, to the scarcity of the precious metals) had been very low, became afterwards quite as exorbitant. The following examples are cited, with the double view of shewing to what a pitch they were carried and how justly (in respect of the persons at least) they sometimes happened to be inflicted.

“These fines were necessarily made a productive branch of the public revenue by the injustice of the demagogues, by party hatred, and the litigious disposition which prevailed. The popular leaders, seldom guided by purely moral principles, raised themselves by flattering the people, and by the lavish administration and distribution of the public money. The majority of them however so little forgot their own gain, when they had reached their high station, that they omitted no means of enriching themselves, and the people on the other hand rejoiced in condemning and overthrowing them. What great demagogue was there who did not meet with an unhappy destiny? Was not this the fate of Miltiades, Themistocles, Aristides, Timotheus, and

\* We refer the reader on this whole subject of the practices of the Demagogues and the corruption of the people to Aristotle, *Polit. lib. v. c. 5*. “A demagogue has need of a needy populace” cf. Isocrates *εὑρί Εὐρυκῆς*.

Demosthenes? And fortunate was he who escaped with the payment of a heavy fine, while others suffered the penalty of death, or were condemned to forfeiture of property, or to exile. Thrasybulus, son of the restorer of the freedom of Athens (who himself, if he had not died, would have been capitally condemned,) paid a fine of 10 talents, probably an action for malversation in an embassy (*γραφὴ παραπρεσβείας*.) Callias the Torchbearer concluded a most advantageous and honourable peace with the king of Persia, according to which no army was to approach the coast within a day's march of cavalry, and no armed Persian vessel was to appear in the Grecian seas; yet although he obtained much celebrity by these negotiations, as Plutarch relates in the life of Cimon, he was condemned to a fine of 50 talents, when he rendered an account of his official conduct, for having taken bribes. And how large was the number of those who were condemned to severe punishments for treason or bribery. Cleon was compelled to pay five talents, probably not, as the Scholiast of Aristophanes supposes, for having injured the Knights, but for having taken bribes from the allies, in order to procure a mitigation of their tributes; and to omit the fine of 50 minas, which Aristides is stated (probably without truth) to have paid for having received bribes, Timotheus was condemned upon the same grounds to a fine of 100 talents by an indictment for treason (*γραφὴ προδοσίας*), a sum greater than ever had been paid until that occasion: nine parts out of ten were however remitted to his son Conon, and the tenth he was forced to expend upon the repair of the walls for which Athens was indebted to his grandfather. Demosthenes was sentenced to a fine of 50 talents by an action for bribery (*γραφὴ δωροδοκίας*), and also thrown into prison; the latter punishment having doubtless been imposed in addition by the court (*προστίμημα*.) According to the strict law he should have paid ten times the amount of the sum received; five times the amount is however the only fine mentioned, and even this he was unable to pay: nor can we determine how this fine was calculated, as the statements of the sums received are so contradictory, that Dinarchus speaks of 20 talents in gold, and refers to the Arctopagus for authority, with whom Plutarch agrees, who relates that he received 20 talents in a royal golden goblet; whereas others speak of 30 talents, and even of so small a sum as 1000 darics. Demosthenes remained in debt 30 talents of his fine, which upon his recall were remitted to him for the building of an altar. Miltiades was accused of treason, and condemned to pay 50 talents, not for a compensation, as Nepos ignorantly asserts, but according to the usual form of assessing the offence. The fine was paid by his son. Before this occasion Miltiades had also been sentenced to a fine of 30 talents. Cimon himself narrowly escaped being condemned to death for a supposed intent to overthrow the existing government, which penalty was commuted for a fine of 50 talents. The illustrious Pericles was vehemently accused, after the second invasion of Attica by the Lacedæmonians, the people being dissatisfied with his method of carrying on the war, and particularly with the surrender of their own country, by which many individuals suffered such severe losses, and the Athenians were not contented, as Thucydides says, until they had sentenced him to a fine. The

highest sum stated was, according to Plutarch, 50 talents, the lowest 15; the former was probably the assessment of the accuser, the latter of the court. Fines of a less amount did however occur in important cases, as e. g. a fine of only 10 talents in an indictment for treason." vol. ii. pp. 114-118.

They who incurred these fines became immediately public debtors, and two incidents to that condition were *atimia* (degradation or loss of civil *status*\*) and imprisonment. But this was not all, for if payment were not made in nine months, the debt was doubled, and the property of the debtor sequestered until the State were satisfied. This was harsh and summary enough—but, unfortunately, there were many other cases in which confiscation, together with infamy, slavery, exile, or death, awaited, justly or unjustly, the victims of popular vengeance. A regular account of such forfeitures was rendered to the people at the first assembly of every Prytaneia—so much a matter of daily occurrence were they!—and manifest as was the tendency of such strong temptations to seduce the cupidity of a rabble of judges, deeply interested in increasing the eleemosynary fund of the State, yet nothing is more certain, than that such detestable decrees were one of the most ordinary sources of revenue in Greece. The following passage shews what ruinous waste, what havoc and dilapidation, were the consequence of such things, with, comparatively speaking, scarcely any benefit, even in a pecuniary point of view, to the commonwealth, by whose authority they were perpetrated, and whose name they dishonoured.

"Notwithstanding the frequency of confiscation of property, the State appears to have derived little essential benefit from it; as we see that the plunder of the Church-property has for the most part been of little advantage to modern States. Considerable sums were squandered in this manner, such as the property of Diphilus, which amounted to 160 talents; in many cases a part of the property was received by the accuser, and in most, as appears from the above-quoted examples, the third part. In certain cases the person who informed against the public debtors received three parts of the confiscated possession; this regulation appears however to have been confined to concealed property, which was discovered by the informer. A tithe of the property of persons condemned for treason, or for having endeavoured to subvert the democracy, and probably also of all or of most other escheats, belonging of right to Minerva of the Parthenon. Many kinds of property were received by the temples without any deduction, so that nothing passed into public coffers: and how great must have been the loss occasioned by fraud or by sale of property under its value. For

\* Cf Thucyd. lib. v. cap. 34.

know," says a person in Lysias threatened with confiscation of property, "that part of my property will be plundered by these persons (his adversaries,) and that what has considerable value will be sold at a low price: the community, he remarks, derives less profit from the forfeiture, than if the proprietors retained the property, and performed the services annexed to it by law. Again, the offender frequently concealed his property under a fictitious name, or relations and friends claimed it from the State, and, finally, the accused sought to excite pity, by speaking of orphans, heiresses, age, poverty, maintenance of the mother. &c.; and it is a beautiful and praiseworthy feature in the character of the Athenians, that this appeal was seldom made in vain, but part of the property was commonly transferred to the wife or the children. Upon the whole, the receipts actually obtained were in general far less than was expected, as is shewn by Lysias' speech for the property of Aristophanes. If there was any suspicion of concealment, this again furnished material for fresh accusations. Thus when Ergocles the friend of Thrasybulus was deprived of his property by confiscation, for having embezzled thirty talents of the public money, and the value of that found in his possession was inconsiderable, his treasurer Epicrates was brought before the court, suspicions being entertained that the property lay concealed in his house." vol. ii. pp. 130-132.

But the most important source of revenue, beyond comparison, were the tributes of the allies (φύποι). This fund was the common treasury of a confederation, of which Athens was only the head, enjoying a certain precedence, and entrusted with the appointment of the Helenotamixæ; or treasurers and administrators of the contribution. At the first institution of it, in the 77.3 Olympiad, this fund amounted to 460 talents a year. It was deposited in the temple of Delos, where also the allies convened, for the purpose of directing the appropriation of it to its legitimate object, the common defence against the Barbarians. In process of time, however, that object was wholly lost sight of. The Athenians gradually extended their influence and encroachments—a contribution in money and ships was substituted for personal service from such of the allies as were bound to perform it—the payment of the tribute was exacted as a duty, while the correlative privilege of voting in the assembly was denied them—and when the treasury was at length removed from Delos to Athens, the league had obviously degenerated into a *societas leonina*—and the allies were no longer allies, but vassals and tributaries. Still there was some colour—some shadow of apology or palliation for this abuse. The head of the confederacy professed, at least, to protect its members, and this fund, though not under the control of those who contributed it, might be supposed to be appropriated to its original objects. Another step remained to be ta-

ken to complete the injustice, and it was taken. The taxes paid for the great purposes of the confederation were wholly and avowedly diverted from them. Pericles was the author of this innovation. "He taught the Athenian people" says the book "that they were not accountable to the allies for these contributions, as the Athenians waged war in their defence against the Barbarians, while their States did not provide a horse, a ship, or a soldier; that it was their duty to apply their money to objects which would both promote their interest and enhance their celebrity, and that by devoting their resources to the erection of works of art, they would maintain every hand in employment, and, at the same time, most splendidly adorn their city." Bad as this policy was, however, both with regard to the allies whom it injured, and, perhaps, the people of Athens, whom it had a tendency to debauch, still the amount of the tribute money was not much increased, for Pericles, about the 80th Olympiad, collected only 600 talents annually. But within less than 40 years, it was swelled up to 1200 and even 1300 talents—an exaction so intolerable to the confederates, that many of them abandoned their homes in despair, and emigrated to Magna Græcia. It was not long after this, that the tributes were commuted, as we have seen, for a duty of 5 per cent. on imports and exports, which was, in its turn, abolished by the defeat at Ægospotamos.

After stating that some of the allied States were not bound to pay tribute to the Athenians, M. Boeckh goes on to remark—

"The nature of our inquiry limits us to the consideration of the perpetual allies, who may be divided into independent (*αὐτόνομοι*.) and subject (*δυνάμοι*.) In order then first to point out the chief distinction between the two conditions, the former class retained possession of unlimited jurisdiction, whereas the subject allies were compelled to try all their disputes in the courts of Athens. The nature of this compulsion has not however been as yet satisfactorily ascertained. I should in the first place remark that Casaubon, by the misconception of a passage in Athenæus, imagined that the Athenian Nesiarchs (although in fact no officers of this name ever existed) originally decided the law-suits of the Islanders, and that at a subsequent period when these offices were abolished, all litigations were carried on at Athens. It is however more probable that, when the jurisdiction was taken away from the allied States, it was immediately made compulsory upon them to refer all disputes to the Athenian courts. The model of this regulation, by which Athens obtained the most extensive influence and an almost absolute dominion over the allies, was probably found in other Grecian States which had subject confederates, such as Thebes, Elis, and Argos. But on account of the remoteness of many countries, it is impossible that every trifle could have been brought before the courts at



Athens; we must therefore suppose that each subject State had an inferior jurisdiction of its own, and that its supreme jurisdiction alone belonged to Athens. Can it indeed be supposed that persons would have travelled from Rhodes or Byzantium to Athens for the sake of a law-suit for 50 or 100 drachmas? In private suits a sum of money was probably fixed, above which the inferior court of the allies had no jurisdiction: while cases relating to higher sums were referred to Athens; hence the amount of the prytaneia, which were only paid in private causes, was by this interdiction of justice augmented in favour of the Athenians. The public and penal causes were however of far greater importance to the Greeks from their being habituated to a free government. There can be no doubt that cases of this description were to a great extent decided at Athens, and the definite statements which are extant refer to law-suits of this nature. Thus Isocrates speaks of sentences of death passed against the allies: the law-suit of Hegemon the Thasian, in the age of Alcibiades, was evidently a public suit; and the oration of Antiphon concerning the murder of Herodes is a defence of a Mytilenean, who was proceeded against by a criminal prosecution subsequently to the revolt of his state, in consequence of which defection it was made subject, and planted with Cleruchi. From the latter orator we learn that no subject State had the right of condemning an accused person without the consent of the Athenians, but that it had the power of setting the investigation on foot (an arrangement which was indispensably necessary,) and the Athenian court only gave judgment. For more determinate accounts on this point I have in vain sought. The independent allies must also have had the power of deciding for themselves with regard to war and peace, and at least a formal share in all decrees, although the preponderance of Athens deprived the latter right of its force; while the subject States were, according to the legal conditions, governed by the will of the Athenians. Both had their own public officers; for that this was the case with the subject States is proved by the Delian Archons who occur in the 100th Olympiad, at a time when Delos was so far in the power of Athens, that the latter State was in possession of the temple, which was managed by its own Amphictyons. Nevertheless we find that Athens sometimes appointed Archons or governors of its own in the States of the subject allies. These officers may be compared with the Harmosts of the Spartans.

"Both classes of the allied States had unquestionably the unrestricted administration of their home affairs, and the power of passing decrees. The subject States were necessarily in this point limited to a narrow circle; it is however wholly inconceivable that every decree which they passed required a ratification from Athens or the Athenian authorities. The obligation to pay a tribute was held originally not to be incompatible with independence, nor indeed in later times was it absolutely identical with dependence or subjection; but the independent allies of the Athenians were commonly exempted from tribute, and were only bound to provide ships and their crews (οὐχ ὑπορσλῆς φόρου, ναῦς δὲ παρέχοντες; ναυσὶ καὶ οὐ φόρῳ ἐπύκτοι; νῆων παροχῇ αὐτόνομοι;) the subject allies however paid a tribute (ὑπορσλῆς, φόρου ὑπορσλῆς;) al-

though it should be remembered that the subject allies were sometimes, in spite of the tributes, compelled to serve in the fleet or by land. Independence, together with an obligation to pay a tribute to Athens, and without any alliance with the Athenians, was granted in the peace of Nicias, in Olymp. 89. 3. to the cities of Argilus, Stageirus, Acanthus, Scolus, Olynthus, and Spartolus, and the Athenians were only empowered to induce them to an alliance upon their own voluntary agreement. This qualified dependence, which was also extended to some other cities, was a perfect model of the original form of the Athenian confederacy." vol. ii. pp. 140-147.

The empire of Athens extended, with some few exceptions, over all the islands, from Byzantium to Cythera, in one direction, and Rhodes and Carpathus, in another, including Eubœa. To these we must add the coast of Caria, the Dorians bordering upon Caria, Ionia, the Hellespont, and the Grecian territory in Thrace. Within these limits were comprehended some of the most renowned cities of antiquity—Miletus, Halicarnassus, Cnidos, Ephesus, Colophon, Teos, Priene, Erythræ, Smyrna, and the rest of the Ionian towns. Besides these her dominion included Antandros, Abydos, Lampsacus, Cyzicus, Chalcedon, Byzantium, Selymbria, Periakhus, Sestos, and the Thracian Chersonesus—the whole southern coast of Thrace, the coast of Macedonia, including the important cities of Amphipolis, Olynthus, Acanthus, Stageirus, Potidæa, and others. Athens thus sat "a sea-Cybele," enthroned amidst her thousand cities,\* and exercising an absolute sway over the isles of the Gentiles. She owed this supremacy to the policy of Themistocles, (a consummate statesman,) who made her the first naval power of Greece, and to the comparative aversion of Lacedæmon from external interests and ambitious purposes. After the expulsion of the Medæ, the Spartans were at the head of United Greece, but they voluntarily withdrew from a post as troublesome as it was honourable. Their great maritime competitor grasped, with avidity, the sceptre which thus passed away from them—for nearly half a century she dictated laws to a nominal confederacy—and it was, at length, to depress a too formidable rival and to overthrow a common oppressor, that all Greece conspired, with Lacedæmon at its head, to wage, *ad internecionem*, the Peloponnesian war.

This war eventuated in the downfall of the Athenian power, It was restored, however, by Thrasybulus and Conon—but by the peace of Antalcidas, (Olymp. 98.2) this aspiring city was again shorn of her beams and reduced to her original estate, the islands of Scyros, Lemnos, and Imbros alone. Yet a few

\* Aristoph. Vesp. 506.

years afterwards, (Olymp. 100.3,) the moderation which she had learned from adversity, bringing back to her the friends whom her insolence had once disgusted, she made the most of a happy turn in affairs, and the victories of Chabrias, Iphicrates, and Timotheus, especially the last, restored her to all her former influence and dominion. The new confederacy which was formed after the Olymp. 100.4, was a more equal one than the first. The different States which had been admitted as parties to it, retained all their independence. A congress (*συνέδριον*) met at Athens, in which that city presided, but each member of the league had an equal voice. To conciliate the minds of her allies, the *cleruchie* (of which we shall presently speak) were abolished, and although the tributes were again introduced, they were disguised under the less odious appellation of *contributions*. But this moderation soon ceased to characterise her policy. The tributes were again arbitrarily imposed and rigorously exacted, and the allies, as M. Boeckh thinks, once more subjected to the jurisdiction of her courts. The confederate States became discontented, and the Social war, which ended in Olymp. 106.1, resulted in the independence of as many of them as revolted. This contest had so much shattered the finances of the State, that when Demosthenes, soon after the close of it, began to urge the Athenians to vigorous measures against Philip, none but the weakest islands still adhered to them, and the whole amount of the contributions was 45 talents, which his able administration of their affairs gradually increased to 500.

We shall proceed briefly to notice two other institutions of great importance in the public economy of Athens, and often alluded to in the course of these remarks, viz. the *Cleruchie* and the *Liturgies*.

The right of civilized nations to appropriate to themselves, with force and arms, the lands occupied by barbarians, seems to have been recognized in all ages, and is consecrated as a fundamental principle in the jurisprudence of a new world.\* But when Greek met Greek, the conflict was felt to involve the rights and interests of more than *one* party, and the degradation of the Penestæ in Thessaly, and of the Messenians and the Helots in the Peloponnesus, to a condition worse, (if possible) than that of the Catawbas and the Cherokees, must be admitted to have been rather a high handed measure. The policy was kept up in later times, and nothing is more common in the

\* See Johnson and McIntosh, 10. Wheat. What would an Indian jurist say to this *jus gentium*?

history of Athens than the expulsion of a whole people *en masse*, or the entire confiscation of their lands.\* It was a great resource for the demagogues, ever ready to purchase popularity at the expense of others; and what reasonable objection could any true Athenian have to the dividing—by a lottery too, in which every one might have his chance—the lands of foreigners, occasionally, even enemies of the State, among his brother patriots? We must not be surprised, therefore, to learn that this sort of philanthropy flourished amazingly in so congenial a soil. Bdelycleo, in the Wasps of Aristophanes, after declaiming in a strain of lofty indignation against the niggardliness of the demagogues, who might, if they would, out of the spoils of a thousand cities, supply their fellow-citizens with all manner of dainties, instead of keeping them, as they did, on miserably short commons, adds, that whenever these same demagogues got alarmed at the just discontents of a stinted people, they threw a sop to them by promising a division of Eubœa, or fifty pecks of corn.† How sharp-set the commonality of Athens were in regard to these land-lotteries appears, as M. Boeckh observes, from the joke of the same poet in another of his comedies. When Strepsiades, in the Clouds, sees the figure of geometry in the school of the sophists, and is told its name—he inquires, with great *naïveté*, what is the use of it. To measure the earth, is the reply, which the honest citizen takes, of course, to mean the land distributed by lottery (*κληρονομή*.) This institution, oppressive as it manifestly must have been to the allies, answered two good ends—besides “blessing” the capacious “maw” of Demus. It was, in the first place, a means of keeping a conquered country in subjection, and extending more and more, the influence of the Athenian commonwealth. The other effect was still more beneficial. It was a means of drawing off—

“All the unsettled humours of the land,  
Rash, inconsiderate, fiery voluntaries.”

These, indeed, we take to have been the two great objects of the colonial policy of antiquity. Macchiavelli adverts to the

\* See the case of the Mytlenians, Thucyd. lib. iii. c. 50; and the still more shocking case of the Delians, Id. lib. v. c. 1.; and worst of all, that of the Melians, *ibid.* c. 116.

† Verse 715. The whole play is deeply instructive upon the subject of Athenian character and customs.

former, in speaking of the Roman colonies, and to a country aiming at conquest, it is difficult to overrate the importance of such frontier posts. But with a view to order and good government at home, the latter advantage was of the greatest moment. How much has been done and how much more will yet be done, for the stability of our institutions, and the prevention of the crime and misery incident to a crowded and impoverished population, by the field which the Western forests offer to bold, enterprising and determined spirits?

The liturgies or public services (*corvées*)\* were a sort of extraordinary taxation by which certain expenditures which ought to have been provided for out of the common treasury, were made to fall only upon people of considerable estate. They were divided into two kinds, the ordinary and the extraordinary. Of the former the most important were the Choregia, the Gymnasiarchy and the Hestiasist—of the latter, the Trierarchy. No man was compelled to perform them unless his fortune were about three talents. The appointment was made by the several tribes, which shared in whatever credit was gained by the magnificence of their representatives. Great emulation was thus excited among the performers, and a prodigality, not the less ruinous for being voluntary, was too often the fruit of it. To prevent their becoming unnecessarily oppressive, there were some rules and restrictions—for instance, that no one should be called on to perform for two years in succession, or more than one liturgy at a time, that orphans should be altogether exempt from them, and that if a person required to undertake them, could shew that another ought to be appointed in his stead, he might propose an exchange of fortunes with that other, in case he declined the liturgy.

The extraordinary revenues of the Athenian commonwealth which form the subject of the fourth book, were a direct tax, and the extraordinary liturgy or trierarchy.

Before he enters upon the discussion of these modes of taxation, the author thinks it necessary to inquire into the gross amount of the national wealth and the valuation of Attica. No part of the whole work strikes us as more able than this. He undertakes to refute the account of this matter which Polybius gives in the second book of his history,† and he appears to us to

\* *Λειτουργίαι* quasi *λειτουργίαι* from *λειτουργον*—*λειτουργ* publicum and *εργον*.

† That is to say, the providing, furnishing and maintaining the choruses in the plays and other festivals—the superintendence of the sacred games—and the feasting of the tribes.

‡ C. 62-63, the Domesday Book of Attica.

have succeeded completely, not only in accomplishing that purpose, but in throwing a broad and clear light over the whole subject of Athenian taxation and assessments. The result of the examination is thus summed up.

“ In short however Polybius states the valuation (τίμημα) of Attica with perfect correctness at 5750 talents ; but it is the valuation, not the value, of the whole property : he only knew how much the valuation of the whole property amounted to ; but not being aware of the principles upon which it had been obtained, he erroneously supposed that it was the value of the whole property. For the valuation taken during the Archonship of Nausinicus was, as will be shewn, of a certain and fixed portion of the property, which was considered as being properly subject to taxation. This portion varied in the different classes ; in the first class a fifth part was taxable, in the inferior classes a smaller part : very inconsiderable properties were doubtless not admitted into the valuation of all. Consequently the national wealth was far more than five times the valuation, and exclusively of the public property, which was tax-free, may be estimated at thirty or forty thousand talents : the annual incomes obtained from this amount of capital were at the least double what an equal sum would produce at the present time, and consequently every tax was at the most only half as large as it appears ; or rather even smaller still, for the possessor of a moderate property of five or six talents could hardly have consumed the returns from it upon his maintenance, without very expensive habits. vol. ii. p. 256.

But there is too much both of novelty and of interest in the subject, to admit of its being treated of very concisely, and our author pursues it through many pages with so much ability and such a profusion of curious and recondite learning, that we shall furnish our readers with several other extracts of considerable length—a step which we are the more inclined to take, because this valuable work has not (so far as we know) been reprinted in this country, and is not at all in general circulation here.

The following passage will serve as an introduction to what is to follow.

“ The regulations with regard to the Athenian taxes before the time of Solon cannot be accurately ascertained. I consider it as certain, that before the changes introduced by this lawgiver *all* the four tribes had not a share in the governing power ; the Hopletes were the ruling aristocracy ; under them were the Cultivators (Τελεοντες,) the Goatherds (Αλυκίσεις,) and the Manual Labourers (Ἀγυάδεις) ; the Hopletes being the supreme and dominant class, the Cultivators paid them the sixth part of the produce, the same portion which in India the king formerly received ; and these latter were, like the Penestæ or the Clients,

bondmen or Thetes in the original sense, without any property in land, which belonged solely to the Hopletes. The latter bore arms, when they served in war, and took their attendants into the field, like the Thessalian Knights; for the maintenance of the State in time of peace little or nothing was necessary, and their wars were too inconsiderable to require an artificial structure of finance. The temples and priests were supported from the sacred estates, tithes, and sacrifices; and the administrators of justice were remunerated by gifts or fees (*γέρα*) upon each separate decision. The constitution of Solon first, as it appears, wholly abolished bondage, which must not however be confounded with slavery: the laws gave to all freemen, that is, to all the four tribes, a share in the government, apportioning their rights however according to the valuation (*τίμημα*, *census*); by which means the form of government was brought near a democracy, without actually being one. For Solon, according to the manner in which he instituted the Areopagus, placed a half-aristocratical counterpoise in the opposite scale; and also by only allowing the fourth class the right of voting in the assembly, and a share in the jurisdiction, but not permitting them to fill any office of government, he gave an influence to the upper and wealthier classes, by means of which the constitution was made to resemble a Timocracy, or an Oligarchy founded upon property. However without wishing to develope the whole system of Solon's institution of classes, we shall inquire into its nature in reference to the valuation and the public services.

"Solon made four classes (*τιμήματα*, *τελεῖ*), a number afterwards adopted by Plato in his works on laws; the methods according to which they fixed them were however very different. The first class was the Pentacosiomedimni; that is to say, those who received 500 measures, either dry or liquid, from their lands, medimni of dry, and metretæ of liquid measure. For the second class he took those who received 300 measures, and could afford to keep a horse, viz. a war-horse (*ἵππος πολέμιστός τε*), to which was added another for a servant, and they must also necessarily have required a yoke of animals: this class was called Knights (*ἰππῆς*, *ἰππάδα τελοῦντες*.) The third class are the Zeugitæ (*zeugitai*), and their valuation is called the valuation of the Zeugitæ (*zeugitai telen*;) by which however is not to be understood a particular tax upon cattle used in ploughing, as might be supposed from the account given by Pollux. Their name is derived from keeping a yoke (*zeugos*), whether of common mules, or of working-horses or oxen. Their income is stated in general at 200 measures of dry and liquid measure. The last class is the Thetes, whose valuation was less than that of the Zeugitæ. "The Pentacosiomedimni," says Pollux, "expended upon the public weal (*ἀνηλοισκον ἐς τὸ σημόδιον*) one talent, the second 30 minas, the third 10 minas, and the Thetes nothing." vol. ii. pp. 258-261.

The question arises upon this statement of Pollux, which M. Boeckh remarks, modern writers have repeated with great

complacency, as shewing the *amount of taxes* paid by the several classes to the State, without being aware of the absurdity involved in that construction. One thing strikes us immediately, which is, that upon such a supposition, the revenue of the State must have been very large indeed, whereas it never amounted at any time to more than 2000 talents at the outside. Another obvious inference would be, that the direct taxes imposed by it were enormously high. The contrary, however, was certainly the fact. In ten years Demosthenes paid two per cent. of his whole property, while the same property, well managed, brought in, for the same space of time, 100 per cent.\* The conclusion is, that the statement of Pollux must either be rejected altogether, or be taken as containing a hitherto unexplained truth. This latter inference is Mr. Boeckh's, and he appears to us to have solved, in a satisfactory manner, a very intricate problem, not at all understood by his predecessors.

" A tax according to the valuation can therefore be only supposed to have occurred upon extremely rare occasions under the institution of classes by Solon. The imposition of taxes was only a subordinate consideration; the chief objects were the obligation to military service, the Liturgies, and the apportioning of the rights of government. But in order to comprehend how the scale was arranged in each case as it occurred, we must premise an observation upon the meaning of the word *valuation* (τίμημα). Custom has comprehended under this term a collection of very different ideas. Every estimate of the value of any article is so called; the estimate of property, the assessment of a fine, the estimate of a tax; in short, every thing that is valued. But a part of the property, which serves to regulate the apportioning of taxes, might be, with equal propriety, called by that name. Solon gave to each of the classes, except the Thetes, a fixed valuation, or *Timema*, and even the classes themselves are so called (τίτταρα τιμήματα) in Plato and in most other writers who mention them. This valuation, which we will call *the taxable capital*, is not absolutely identical with the estimate of property, and is very different from the tax. The grammarians had not formed any idea of *Timema* as taxable capital, for they sometimes confound it with the estimate of property; while Pollux considered it as the tax, and thus fell into a most important error. No rational explanation can be given of Solon's institution of classes, as far as it regards the direct taxation, but by embracing this view of the question. When so considered however we recognize his wisdom. Solon estimated the value of the medimnus at a drachma. Now if he had wished to ascertain the landed property of



each class from the produce, his only way would have been to consider the number of medimni, or their equivalent in liquid measure, as the produce accruing from the land, taking however as his standard only the net proceeds, which were received as rent. We must therefore consider these 500, 300, 150 measures as net profit, obtained from what an estate yielded as rent; a course which was the more natural, as many estates particularly those of the wealthy, were let by their masters to Thetes or to bond-slaves, as we are expressly informed with regard to the Thetes. The rent was computed in kind, and not in money, is what might have been naturally expected. This practice indeed frequently occurs, even in later times; nor would any other method have been possible at that period, on account of the small quantity of money in circulation. The next question to be considered is, at what per-centage of the value of the property did Solon fix this net produce? We are informed that rents were low in ancient times; so late as in the speeches of Isæus we read of an estate which was let at eight per cent. We have therefore good reason for assuming that Solon, whose intention it must have been to encourage low rents, took the net proceeds as the twelfth parts of the value of the land, or  $8\frac{1}{3}$  per cent. and according to that scale fixed the property of a Pentacosiomedimnus at a talent, that is, at the twelfth of his income. According to the same calculation, the landed property of a Knight amounted to 3600 drachmas, of a Zeugites to 1800. The principle of this arrangement is perfectly correct; for the smaller is the amount of the incomes, the less in proportion must the State take from an equally large part of the income of a citizen: as every man must first provide maintenance for himself and his family, and the poor are oppressed to a greater degree than the rich, if they are taxed in the same proportion, and according to the same rate. Now this principle, so well adapted to the philanthropic lawgiver, may have been put in operation by Solon in two manners; either by the inferior class returning a smaller part of their property than the superior, for example, the first  $\frac{1}{3}$  per cent. the second  $\frac{1}{4}$  per cent. the third  $\frac{1}{5}$  per cent; or by the taxable capital being so rated, that in the lower classes only part of the property was considered as taxable. The first method renders the arrangement difficult and complicated; the other is far more intelligible: the government knows the sum total of the taxable capital, and the amount of its own necessities, and it can be seen at once what part of the taxable capital must be demanded. This regulation appears to have been invariably followed at Athens, after it had been once taught by Solon. The Pentacosiomedimnus was, according to the regulation of his class, entered in the register with his whole productive landed property, the Knight with five-sixths, the Zeugites with five ninths of it; but all paid the same part of the taxable capital when a duty was imposed. Supposing that the whole valuation, or the sum of all the taxable capitals, amounted to 3000 talents, and that the State was in need of 60 talents, a fiftieth must have been raised, and the division was in that case made as the following table shews :

Classes.	Incomes.	Landed estates.	Taxable capital	Tax of a 50th
Pentacos.	500 drachmas	6000 drachmas	6000 drachmas	120 drachmas
Knights	300 drachmas	3600 drachmas	3000 drachmas	60 drachmas
Zeugitæ	150 drachmas	1800 drachmas	1000 drachmas	20 drachmas

A more beautiful division is scarcely conceivable. It should be observed however that it is possible, or even probable, that there existed some difference in the amount of taxes in the same class. We may suppose that, adhering still to the standard of property, they imposed the tax in such a manner that in each class the taxable capital was fixed according to the same proportion; as is shewn by the following table:

Classes.	Incomes	Landed property	Of which was taxable	Taxable Capitals	Tax of a 50th
Pentacosio-medimni	1000 dr.	12000 dr.	The whole	12000 dr.	240 dr.
	750 dr.	9000 dr.	The whole	9000 dr.	180 dr.
	500 dr.	6000 dr.	The whole	6000 dr.	120 dr.
Knights	450 dr.	5400 dr.	Five sixths	4500 dr.	90 dr.
	400 dr.	4800 dr.	Five sixths	4000 dr.	80 dr.
	300 dr.	3600 dr.	Five sixths	3000 dr.	60 dr.
Zeugitæ	250 dr.	3000 dr.	Five ninths	1663 $\frac{1}{3}$ dr.	33 $\frac{1}{3}$ dr.
	200 dr.	2400 dr.	Five ninths	1333 $\frac{1}{3}$ dr.	26 $\frac{2}{3}$ dr.
	150 dr.	1800 dr.	Five ninths	1000 dr.	20 dr.*

The principle of this classification, although very much questioned in our days, (which have seen some strange paradoxical notions broached upon other points connected with this subject,) has received the sanction of the most enlightened political economists of modern times. Adam Smith thought it "not very unreasonable that the rich should contribute to the public expense, not only in proportion to their income, but something more than in that proportion," and for this reason he approves of a tax upon house-rents, because it would, in general, fall heaviest upon the rich.† And M. Say has expressed himself still more decidedly to the same effect. Adverting to this opinion of the great father of his science, he declares that "he has no hesitation in going farther and saying, that taxation cannot be equitable, unless its ratio be pro-

\* In the above extract, it is obvious to observe, M. Boeckh confounds *rent* with the whole produce of the land.

† *Wealth of Nations*, b. v. c. ii part ii. art. I. § 3.

gressive.”\* This valuation of Solon seems to have been abolished during or about the time of the Archonship of Euclid, (Olymp. 94.2. nearly 50 Olympiads after it was established,) but another was made twenty five years, when Nausinicus filled that office. The historical evidence of the existence and the nature of this valuation, is excessively scanty, but by a patient examination of scattered texts, M. Boeckh comes to the following conclusion:

“From the simple explanation it is evident, that in the valuation taken in the Archonship of Nausinicus, the principle of Solon’s valuation was followed in three points, viz. in the registration of the property itself (*οὐσία*), the taxable part of it, or the valuation (*τιμήματα* and, lastly, the tax fixed according to the valuation (*εὐσφορά* in the limited sense.) The estimate of the property was obtained by a valuation of all moveables and immoveables; the valuation, or the taxable capital, was only a certain part of this general census, and in the highest classes, to which Timotheus and Demosthenes belonged, was the fifth part; in the others however it was a smaller portion; for Demosthenes expressly says, that only those who had the highest valuations were rated at 500 drachmas for each 25 minas. If, for example, we reckon four classes, the valuation of the second may perhaps have been one-sixth of the property, of the third one-eighth, and of the fourth one-tenth, in order that the poor might be taxed in a fair proportion. It should be also observed, that those persons in the same class whose property was different did not contribute an equally high valuation, but only the same part of their property; in the first class it was five for every 25 minas; thus the possessor of 15 talents contributed three, of 25 contributed five, of 50 contributed 10; for the reason that the estimate of the whole property of Demosthenes amounted to three talents was, that for 25 minas five was in his class the rate of the taxable capital. But of the taxable capital each person paid the same part whenever any tax was imposed; and how large a part was to be taken could be easily determined, as the sum total of all the valuations was known, which in the Archonship of Nausinicus amounted to 5750 talents. In order to make this clear, let us assume, for the sake of example, four classes, and in the second one-sixth, in the third one-eighth, in the fourth one-tenth, as the portion on which the tax was imposed: farther, as the least property from which taxes were paid, 25 minas; so that the latter is the lowest estimate of property in the last class: as the lowest estimate in the third class two talents, in the second class six, in the first twelve: which are arbitrary assumptions, except that, as we shall remark below, 25 minas were probably taken as the lowest property which was subject to taxation. If then a twentieth was to be raised, the tax would have fallen in the manner shewn by the following table:

\* Pol. Econ. lib. 3, c. 8, sect. 1, 2.

Classes.	Property.	Of which was taxable	Taxable capital	Property-tax of $\frac{1}{20}$
First of 12 talents and over.	500 talents	One fifth	100 talents	5 talents
	100 talents	One fifth	20 talents	1 talent
	50 talents	One fifth	10 talents	30 minas
	15 talents	One fifth	3 talents	9 minas
	12 talents	One fifth	2 tal. 24 min.	720 drachmas
Second of 6 talents and over, under 12 talents	11 talents	One sixth	1 tal. 50 min.	550 drachmas
	10 talents	One sixth	1 tal. 40 min.	500 drachmas
	8 talents	One sixth	1 tal. 20 min.	400 drachmas
	7 talents	One sixth	1 tal. 10 min.	350 drachmas
	6 talents	One sixth	1 talent	300 drachmas
Third of 2 talents and over, under 6 talents	5 talents	One eighth	37½ minas	157½ drachmas
	4 talents	One eighth	30 minas	150 drachmas
	3 talents	One eighth	22½ minas	112½ drachmas
	2½ talents	One eighth	18½ minas	93½ drachmas
	2 talents	One eighth	15 minas	75 drachmas
Fourth of 25 minas and over, under 2 talents	1½ talents	One tenth	900 drachmas	45 drachmas
	1 talent	One tenth	600 drachmas	30 drachmas
	45 minas	One tenth	450 drachmas	22½ drachmas
	30 minas	One tenth	300 drachmas	15 drachmas
	15 minas	One tenth	250 drachmas	12½ drachmas

Vol ii. pp. 258-290.

Of the *Symmoriae*—classes or companies into which the citizens were divided for the purpose of paying the property-tax, and of which Demosthenes declares that they had ceased at that period (the delivery of the second Olynthiac) to be of any use as a financial arrangement, having been turned—as such things are apt to be—into a mere engine of factious politics—the author has not been able to give an entirely satisfactory account. He cries out lustily for help to the editor of the oration against Leptines (Wolf). Yet his own contribution to the clearing up of this difficult question, is by no means inconsiderable. We shall content ourselves, however, with barely citing the passage of Ulpian, the Scholiast of Demosthenes, (“the ignorant” is his epithet with M. Boeckh,) which contains the fullest account of them that has been left by any ancient writer.

“Each of the ten tribes,” says he, “was obliged to specify 120 of its own members who were the most wealthy. These 120 then divided themselves into two parts, so that there were sixty whose property were very large, and the other sixty less rich. They did this in order that if a war should suddenly break out, and that the less wealthy should not happen to have any money at their disposal, those who were more rich might advance the taxes for them, and be after-

wards repaid at the convenience of the others. This body of sixty was called a *Symmoría*." In the second part, which is the work of a different hand, it is stated, that "since each of the ten tribes specified 120, the whole number of *Liturgi* (as they are here called) was 1200: that they were distributed into two divisions, each of 600 persons or ten *Symmoríæ*; that these two great divisions were again subdivided into two smaller, each of which was composed of 300 persons or five *Symmoríæ*. One of these bodies of 300 was made up of the most wealthy, who paid the taxes either before the others or for them (*εὐοσιστέφερον τῶν ἄλλων*,) the other 300 being in all things subject to them." vol. ii. p. 299.

The object of the *Trierarchy*—the last subject we shall remark upon—was to provide for the *equipment* and *management* of the ships of war. The *equipment* and *management* merely—for the State furnished the vessel itself, as well as the pay and provision of the crew.\* This explains a passage in the oration of Æschines against Ctesiphon, which is a stumbling block in the way of all beginners. Speaking of the "accountability"—to use a cant word of our own politicians—of public agents, he mentions that it extended even to the *Trierarchs*, though their business was to advance their own money for the service of the commonwealth. Besides what he received for the purposes abovementioned, it was his duty to procure the crew, which often required him to pay large sums in the shape of bounties, and his office, to command the ship and accompany it, either in person or by deputy, wherever it went.

It must strike every one as a very singular institution in a maritime State, like Athens, engaged in incessant wars, her superiority in which was mainly due to her naval power, and having many dependencies, similarly situated, to defend, or to overawe, or to punish by means of her fleets, to leave the equipment of her ships in private hands, instead of making, what was the first of public interests, the first also of public concerns. It is vain to speak, as our author does, of the benefits arising out of the emulation excited among the *Trierarchs*, by the honours and distinctions awarded to the most zealous or liberal of them. A commonwealth must not reckon upon extraordinary impulses. A system of politics calculated upon an enduring enthusiasm, can lead to nothing but imbecility and disgrace. It is taking the exception instead of the rule for its foundation—it is opposing the sure, constant, unchangeable tendencies of nature, and only destroying the more certainly and more hopelessly, the very power it is compelled to exert in so

\* We refer for a pregnant illustration of this, as well as some other points discussed in this Article, to the 31st chap. of the 6th book of Thucydides.

wild an enterprise. Accordingly we find, that, however it may have answered in the earlier ages of the republic, the Trierarchy was the cause of great embarrassments, when all the energies and resources of the State were called for to resist the ambitious encroachments of Philip.

It was, however, one of the most ancient institutions of Athens, and many methods, both of coercion and encouragement, had been adopted to make its efficiency adequate to the exigencies of war, carried on as war was wont to be among the Greeks. Officers were specially charged with the duty of seeing the fleets equipped in due time—the zeal, activity, or magnificence of the Trierarchs was rewarded with an appropriate crown—they who performed this liturgy were exempted from all others—the term of service was limited to one year, and an interval of two more must have elapsed before a repetition of it could be required of the same person. If any one appointed to undertake this burthen thought that some other individual in the State—not legally exempted—was better able to bear it, he had his remedy in the *Antidosis*, or Exchange of fortunes, and after the 3d year of the 105th Olympiad, *Symmorizæ* were resorted to from necessity in this Liturgy, as they had been before in the property tax.

We subjoin an extract with a view of illustrating that singular institution, the *Antidosis*—one of the most odious and intolerable, it appears to us, that have ever been submitted to by a free people.

“Solon was the author of this regulation, which, though obviously subject to many difficulties, was neither unjust nor absurd, and it provided a ready means of redress against arbitrary oppression. To assist every man in obtaining his right, and to afford protection to the poor, were the predominant objects of the legislation of Solon, which he pursued without paying any regard to the inconveniences which might arise from the means employed in attaining them. The Exchange most frequently occurred in the case of the Trierarchy, and not uncommonly in that of the Choregia; it existed however in the other Liturgies, and could also be had recourse to as a relief from the property-taxes, if, for example, any one complained that his means were not greater than those of some other person who was rated to a lower class, or, as was frequently the case, that persons could prove themselves unfairly included in the class of the three hundred. This proceeding was allowed every year to the persons nominated for the Liturgies by the regular authorities, which in the case of the Trierarchy and property-taxes were the generals, to the great delay of military affairs. The offerer immediately laid a sequestration upon the property of his opponent, and sealed up his house, if he refused to accept the Liturgy; the house was however free to the first party. The next

step was that both the parties undertook upon oath to give an account of their property, and were bound within the space of three days to deliver in an inventory (*κατάλογος*), to each other. Then the cause was decided by the court. If the verdict was unfavourable to the party who made the offer, the proposed exchange did not take place; and it was in this manner that Isocrates gained his cause by means of his son Aphareus, against Megacleides, who had demanded to exchange property with him. If however the decision was in favour of the offerer, the opponent was free either to accept the exchange, or to perform the Liturgy. On that account Isocrates undertook the third of the three Trierarchies performed by himself and his son, when Lysimachas had claimed to exchange with him; and it is to this the oration concerning the Exchange refers, a speech of great length, but barren of information. Lastly, the party to whom the offer was made, could not bring the cause into court, after the seal had been once imposed; but he was then obliged to take the Liturgy; as was the case with Demosthenes." vol. ii. pp. 368-370.

We close this paper with the following account of the iron money of Sparta.

"The employment of the base kinds of money derives its origin either from fraud, a scarcity of the precious metals, or from the notion that the precious metals are a source of corruption, and that therefore their home-circulation must be prohibited. From this latter cause, Plato in his second State imagines, according to the Doric model, a money circulating in the country, and devoid of value abroad (*νόμισμα ἐγχώριον*, deriving its currency from the countenance of the State; and together with this another coinage, not in circulation, but kept in the public coffers, of universal currency (*κοινὸν Ἑλληνικὸν νόμισμα*), for the uses of persons travelling in foreign parts, and the carrying on of war. This is not mere theory, but was actually put into practice in Sparta. Even in the time of the Trojan war, the precious metals were well known in the Peloponnese, and the Achaic Spartan Menelaus is particularly mentioned to have possessed both gold and silver; but the former remained scarce for a long time; whereas silver in the Grecian, as well as in all other nations, must have been the most general medium of exchange, as there were few places in which it could not be procured; in the more early times however it was not coined, but circulated in bars of a certain weight. But the Dorians, a people inhabiting a mountainous district, and carrying on no trade, were doubtless scantily supplied with the precious metals; and since it was a national principle, which existed both by usage and institution, and was afterwards confirmed by what is called the legislation of Lycurgus, to prevent as much as possible all intercourse with other tribes, they strictly prohibited, at a time long previous to the coining of money, the use of silver and gold as a medium of exchange, and thus effectually prevented their introduction into the country. If this regulation had not been made in early times, the interdiction of silver and and gold could not have been ascribed to Lycurgus; no modern institution would have been at-

tributed to so ancient a name. The Spartans therefore were driven to the use of some other metal as the common medium of exchange, and iron being abundantly obtained in the country, they made use of bars of that metal (*ἰσθητοὶ ἰσθητῖνοι*,) which was stamped with some mark in the iron furnaces of Laconia; while in the other countries bars of copper or silver were current; whence the obolus or *spitz*, and the drachma or *handful*, received their names. When afterwards Pheidon abolished the use of metallic bars, and introduced coined money, the Spartans also began to stamp their iron in large and rude pieces; for which purpose they either used, as the author of the *Eryxias* asserts, lumps of this metal, which were useless for other purposes, such perhaps as are now used for making cannon balls, or, according to other accounts, they softened the best iron, so as to render it unfit for working, by cooling it when hot in vinegar. But when Sparta began to aim at foreign dominion, it had need of a coinage that should be current abroad, for which purpose it imposed tributes upon the inhabitants of the islands, and demanded a contribution of a tenth from all the Greeks: a large quantity of the precious metals were also brought into the country by Lysander; and, as we learn from the first Alcibiades of Plato, the wealthy possessed much gold and silver, for when once imported it was never suffered to leave the country. But at this very time the prohibition of all the private use of the precious metals was re-enacted, and the possession of gold or silver made a capital crime, the government remaining by law the exclusive possessor, as in the ideal State of Plato; a sufficient proof that this was an extremely ancient custom of the Spartans; although it again fell into disuse in the times which immediately succeeded, it being found impossible to maintain so unnatural a prohibition after the advantages of gold had been once made known to the people. In this instance therefore the iron-money was founded upon ancient usage and moral views." vol. ii. pp. 385-387.

Such was the Public Economy of Athens—a system, in many respects, rude and inartificial, in many, oppressive and vexatious—in all, widely different from any thing we see in our happy forms of government—and such, upon the whole, as no American citizen could bear to live under. Yet Athens, like the little democracies of Italy in the 12th and 13th century, for some time flourished, even amid the storms that so often shook and desolated her. The spirit of republican *equality*, bold, energetic, vivifying, aspiring, acting upon minds constituted as no others seem ever to have been, before or since, produced many illustrious examples of the heroic in conduct—many more of the sublime in thought and sentiment. Herodotus, who saw her in her palmy state, and recorded her most glorious past, ascribes all her fortunes to this *equality*,\* and, in a much later age, she is mentioned as a singular instance of a democracy that had risen to grandeur and power.† Before the well bal-

\* Lib. v. cc. 77, 78.

† Strabo, lib. iv. c. 35, § 3.



anced constitution of Solon was subverted by the demagogues of a later age, she had made such progress that she could live through a long period of misrule and adversity, not only without any apparent decay, but even, in some respects, with seemingly increased splendour, and the elegant compliment of *Isocrates* was well earned, that she had made the Greek name a designation, not of a *race* of men, but of a particular state of civilization, so that *they* were Greeks, whom, not a common origin, but her refined discipline identified as one people.

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ART. II.—*Remains of the Rev. Edmund D. Griffin, compiled by FRANCIS GRIFFIN, with a Biographical Memoir of the deceased.* By the Rev. JOHN McVICKAR, D. D. &c. 2 vols. 8vo.

THESE two volumes, which, perhaps, might better have been abridged into one, exhibit manifest proof of the enviable talents, extraordinary application, and most amiable character of a young man, who, if he had been permitted to remain longer among us, would, no doubt, have done honour to the country of his birth. They are made up of copious extracts from the posthumous manuscripts of the deceased, which, indeed, would have furnished, we are told, four additional volumes, equal in size to the two now presented to the public. Whether this includes such sermons as made part of the author's remains, does not distinctly appear; at any rate, we must admire the zeal, industry, and abilities of one who could effect so much in the comparatively short space that preceded his death, when he was only twenty-six years old: "Heu! quàm immaturè ademptus!"

It is impossible to contemplate the virtues and very limited life of Mr. Griffin, without being reminded of Henry Kirke White and Elizabeth Smith, with whom our young countryman so well bears a comparison. They were all "lovely in their lives," and, in one sense at least, "in their deaths not divided;" for, they were equally the victims of premature disease, and alike favoured in having left friends who were both

family and acquaintances by exhibiting, for the benefit of the rising generation, examples so bright of the most meritorious qualities. It is true that not all are equally gifted in point of talent with Mr. Griffin; but his industry, modesty, ingenuousness, docility, submission to his parents and instructors, and, last, but not least, his ardour in the cause of religion, may justly serve "to fill up (in the words of Dr. McVickar) a moral picture which cannot but be interesting, and which, we may reasonably hope, will be found to be useful." In short, we concur heartily with his family and his biographer that such a young man as Mr. Griffin should not be suffered to descend into the grave—

"Unwept, unhonoured, and unsung."

From the facility with which he learned whatever was assigned to him as a task, and from his unremitting application to study, voluntary as well as enjoined, we cannot be much surprised that he came off victorious in all the literary contests of his school and of his college; but the meekness with which he bore his faculties, his freedom from all ostentation, and a sort of unconsciousness of that merit which was so manifest to others, place his heart and temper in a most enviable point of view, and enabled him to carry off every honour awarded him, without exciting the correspondent jealousy and enmity that are so much more easily provoked than allayed. His disappointed rivals could not but feel for themselves, yet seemed willing to allow that, if superiority were awarded, it was justly due to Edmund Griffin. And here we cannot avoid giving place to the following very judicious reflections of Dr. McVickar, the truth of which we have so frequently seen illustrated in other instances. It appears that a young Italian, highly talented and older than Edmund, "bade fair to be Edmund's 'most formidable rival, if death had not withdrawn him from 'the course, before the race was well begun. Two other 'high-minded competitors, after a two year's struggle, voluntarily withdrew their pretensions, and, through the remainder 'of his college-life, Edmund's claim to general pre-eminence was 'undisputed. While we call this victory honourable, we cannot 'deny that it was painful, and dearly purchased by the mortified feelings and injured prospects of others; so that, indeed, 'it may well be doubted whether, in the education of youth, 'such highly-excited emulation be not productive of more evil 'than good. How often do we see the bold heart wear out the 'feeble body in the contest. And when that contest is over, willing and able to gratify their own feelings and those of their

'though some generous spirits may rise above the disappointments, how often do we see it turned into gall and bitterness, weighing down the heart with the double load of sorrow and envy! In the name of humanity, then, let us not add *this* curse to the necessary discipline of youth. Let us not dash with factitious sorrow the joyous days of boyhood, nor teach an innocent heart to pine with envy at another's talents or success. Nor is the moral influence of emulation more unfavourable than its intellectual. When made the great engine of education, which in our country it is, it often weakens the mind by premature exertion: naturally leads to the cultivation of the memory, at the expense of the judgment, and invariably tends to enfeeble the character by building it upon the stimulus of external and temporary excitement. Hence the anomalous fact that we are so often called upon to wonder at and explain, viz. that the praised and honoured youth turns out a feeble and nerveless man. The explanation is easy. He lived so long upon the sweets of praise and honour, that he can find no sufficient stimulus in the quiet motives of duty and conscience. He has been trained to action by stimulants which have no place in the sober duties of life; and, when left to himself, this factious nursling of education pines into feebleness and inaction. Like a boy taught to swim on bladders, he goes smoothly on, so long as he is buoyed up by praise; but, when called upon to act unnoticed and alone, to walk unmoved through good report and evil report, he feels as the same artificial swimmer would do, without his aids, in a rough and stormy ocean."

These very just sentiments will be echoed by many a teacher and many a learner in all the schools and colleges of the United States. We earnestly hope that the authority of one so justly eminent as Dr. McVickar may have its effect, supported as it is by the still higher authority of Southey, and by the practice of the great schools of England, where, if a school exercise happens to exhibit extraordinary merit, it is rewarded by a holiday to the whole school, granted to the request of the meritorious boy—and, thus, poison and antidote are administered together. At Westminster, a silver penny is awarded, commutable into a half crown piece when presented to the boarding dame; after which, nothing is heard of the matter, unless, in a more advanced period of life, the exercise should be found among those *Musæ Etonenses*, or *Lusus Westmonasteriensis*, or *Wyckhamical Chaplets*, which are occasionally offered to the public eye, rather in honour of the schools than of those who were educated in them. Under such circumstances, neither vanity

nor ~~any~~ can produce the ~~obvious~~ effects which Dr. McVickar has so justly and feelingly described.\*

We are here naturally led to the poetical exercises, Latin and English, that make a part of the first volume of these "Remains," and we cannot help expressing a candid wish that they had been suffered to *remain* where the author left them—in his own desk. We allude, chiefly, to the *Latin* verses: the *English* may be allowed to speak for themselves, with a slight allusion to Horace's hint (however repeated *ad nauseam*) that—

"Mediocribus esse poetis,

"Non dū, non homines, non concessere columnæ."

Praise, however, being far more grateful to us, in this instance, than censure, we shall first proceed to notice, more hastily, indeed, than we could wish, the other ingredients of the volumes before us.

When the usual school and college course was ended, Mr. Griffin's judiciously indulgent parents very properly desired to procure for him that enlargement of mind which nothing so effectually secures, as foreign travel. At the age of nineteen, he had obtained a bachelor's degree, and, in 1828, received his first order from the late Bishop Hobart. This latter circumstance, indeed, might have prevented his going abroad, if a very delicate state of health, the usual result of severe study, operating upon the naturally liberal character and friendly apprehensions of his diocesan, had not overcome professional difficulties that weighed heavily upon the mind of Mr. Griffin, as well as of the Bishop. These were, however, removed,

\* We are so entirely of opinion with Dr. McVickar upon the points submitted in this letter from his Memoir, that we cannot avoid supporting our common sentiment by a quotation, the good sense and eloquence of which need not our recommendation.

"In schools and in all fashionable 'Systems of Education,' emulation is made the main spring; as if there were not enough of the leaven of disquietude in our nature, without inoculating it with the virus of envy. True it is that we need encouragement in youth; that though our vices, like poisonous fungi, spring up and thrive in shade and darkness, yet that praise is the sunshine without which genius will fade and die, or rather, in search of it, will, like a plant that is debarred of light, put forth in contortion and deformity. But such practices as that of writing for public prizes—of publicly declaiming—and of enacting plays before the neighbouring gentry—teach boys to look for *applause*, instead of being satisfied with *approbation*, and foster that vanity which stands in need of no such cherishing. This is to administer stimulants to the heart, instead of feeding it with food convenient for it; and the effect of such stimulants is to *dwarf* the human mind, as lap-dogs are said to be stopped in their growth by being dosed with gin. Thus forced, the mind becomes like the sapling, which shoots up, when it should be striking its roots far and deep; and which, therefore, never attains to more than a saplings size."—*Southey's Life of Kirke White*.

and, in October, 1828, Mr. Griffin, then twenty-two years old, sailed from New-York in a vessel bound to Havre, where he arrived after a stormy passage of thirty days, and immediately hastened to Paris.

Let us now hear his biographer:

"Two months glided quickly away in Paris, for they were diligently as well as pleasantly occupied. His journal bears full evidence of both, and contains many picturesque descriptions of what he saw and heard; especially, of the appearance, manners, and character of the *Savans* and popular lecturers of that metropolis. Out of Paris, France offers little that can interest the traveller: Edmund, therefore, passed on rapidly to the Alps, by way of Lyons—crossed Mount Cenis, and, realizing one of the happy visions of his youth, stood on the classic soil of Italy. The ardour with which he greeted its names of glory and scenes of interest, none can fully appreciate but the youthful scholar of the new-world. Those of England, or the Continent, may visit the monuments of Italy, better qualified to examine and to judge: but to feel their power belongs peculiarly to the American students. He, to whom yesterday is antiquity, stands in speechless admiration on a spot where a Roman trod, or before works which a Grecian chisel traced; these are feelings which an European can hardly estimate, but which our young traveller seems to have experienced in their full force; for, he lingered amid them, especially at Rome, after all other American travellers had quitted it, and to the utmost limits of his time. After a rapid visit to Naples, he returned northward, by way of Ancona and Bologna, to Venice. Through Padua, Vicenza, and Parma, he reached Milan, and, crossing the Simplon towards the end of June, bade to Italy an unwilling adieu. Switzerland now received him—the only country which can excite interest immediately after Italy, as the majesty of antiquity yields only to that of nature. After a few weeks, spent in such wanderings as its lakes and mountains and primitive manners alone admit of, Mr. Griffin quitted Switzerland by Schaffhausen and the Rhine, and, passing through the Netherlands, by the usual route of Aix la Chapelle and Brussels, reached England on the 5th of August, landing at Dover, whence he proceeded immediately to London."

The reader will perceive, from this outline, what he may expect from a perusal of Mr. Griffin's European tour, which occupies the greater part of these two volumes. This ground has been so often passed over and so minutely described by travellers of various nations, that neither our inclination nor our limits will allow us to do more than submit the above sketch; leaving it to the reader to fill it up at his pleasure from the journal itself, as far as the compiler has given it to us. A letter written by the tourist to his mother, dated London. August, 13, 1829, partakes largely of that feeling of solitude in the midst of society which is no where more felt than in

the great English metropolis, and which leads to an expression of preference for some other parts that Mr. Griffin had visited. On this point we shall again borrow an extract from the "Memoir," because we think, with Dr. McVickar, that it may be beneficial to others of our young countrymen who may visit the European world.

"The preference Mr. Griffin here so decidedly expresses for the continent over England, was the natural result of the order in which he visited them, and may suggest to subsequent young American travellers the advantage of reversing that order, on the score both of pleasure and improvement. To a native of the New World, no portion of Europe is without interest: he finds every where the stimulus of both novelty and antiquity, and should, therefore begin with the one nearest home, that by so doing every step may rise in its power over his imagination. Thus, England, though first in the scale of improvement, is unquestionably, to Americans at least, the lowest for excitement. With this, therefore, we should begin, and then France, Germany, Switzerland, and Italy will be found to ascend successively in the scale of interest. The reversed order spoils the whole. After Italy, short of Greece, there is no antiquity; after Switzerland, there is no scenery: consequently, all that follows is dull, tame, and modern. From this cause Mr. Griffin failed to derive the pleasure he would otherwise have received from English scenery. Thus, the language of his journal, after describing the ascent of Skiddaw, is, 'but what is Skiddaw to the Rhigi?' And again: 'one glance at the Terni is worth a whole day's contemplation of the Falls in Cumberland.' This is true; but it is unwise and unnecessary: and, from personal experience, the author would recommend to his countrymen that order in visiting them which makes each a subject of enjoyment, and not of criticism—or, if it induces comparison, brings it always in aid of admiration."

The good sense and just temper of these remarks may have a moral extension. The prejudice and aversion very naturally springing out of our severe contest for Independence, are now much worn away. The American character and institutions are daily gaining ground in England, and whatever tends to promote so desirable a state of things should certainly be recommended by all who, like Dr. McVickar, have an undisputed influence on the American mind. It is true that Mr. Griffin met with some persons in England by whom his feelings had, occasionally, been wounded.

"He was so *unfortunate*, says the biographer, as to find some whose patriotism went beyond their politeness, and probably beyond their knowledge and judgment—*unfortunate*, since, judging from the biog-

rapher's own experience, such language is as rare in England, as it is misapplied—his recollections of a recent visit not furnishing him with a single instance of an educated man who was not also liberal in his feelings towards America, and though often ignorant of the detail of her institutions, yet appreciating justly their nature and influence, and reciprocating, with brotherly friendship, those sentiments of respect and amity which unquestionably belong to the better part of the American community. These are sentiments not only just, but mutually becoming. They spring naturally from the sympathy of a common language, literature, and faith, and no feeling or considerate mind would willingly wound them. Woe, then, to that pen, or that policy, by which such bonds are severed, and which seeks to sow discord where nature has planted peace. Treated as a brother, the writer would now like to perform a brother's part, and add his mite towards healing those wounds of petty jealousy, which are as unwise in policy as in domestic life, and are certainly unworthy of great and kindred nations."

The sterner features of Mr. Griffin's journal appear to have been purposely suppressed from motives corresponding with those of the preceding extract, and, indeed, to render him consistent with himself; for, in recording a visit to Mr. Southey, he evidently desires to remove a prejudice very naturally attaching to that distinguished person, as Editor of the *Quarterly Review*.

"I was delighted, says the Tourist, to hear him (Mr. Southey) speak in terms of enthusiastic applause of an American production. He had lately received from the United States, a book containing the *Life and Remains of Miss Davidson*. He remarked that he had never read a more interesting story, and that the young authoress, who died like Kirke White from over excitement, exhibited in her poems proof of uncommon early talent. I am persuaded that the idea, too prevalent in our country, that Mr. Southey is disposed to undervalue American genius, is incorrect. He evinces, it is true, a glowing attachment to his own country, but displays also, in his countenance, manners, and conversation, the liberal views and feelings of a general philanthropist."

If we make no further extracts from this Journal, it is not because we read it without interest, but because we think enough has been said to recommend a perusal of it, by which every reader may best gratify his own curiosity. We cannot, however, avoid an expression of surprise at finding the University of Oxford barely noticed; though in such glowing language as induces us to believe, that the *manuscript* contains a minute description of its manifold objects of attention, which, for some plausible reason, has been suppressed.

In April, 1830, Mr. Griffin arrived in New-York, after a passage of sixteen days—one of the shortest ever made across

the Atlantic. Scarcely had he been allowed to indulge in a meeting with his relations and friends, before he was summoned, at the call of friendship, to a task "such as few of his age," says Dr. McVickar, had talents to fulfil. It was to complete a course of Academic Lectures on the History of Literature, for one who little expected to be a biographer. It was a duty both urgent and laborious—for which he had made no definite preparation. These lectures continued through the months of May and June, and were prepared, written out, and delivered, almost at the same moment. They extend to more than three hundred pages, octavo; a degree of manual, as well as intellectual labour, not often paralleled. When coupled with the recollection that this service was wholly voluntary and unbought, and taken up without premeditation, almost at the very moment of his return home, it may be said, without exaggeration, that they remain a noble monument of promptitude, diligence, and knowledge, and afford a rich sample of what might have been effected by him, had life been spared. In justice to their author, the reader must not forget the circumstances of haste under which they were written."

Of these lectures, a small portion is included in the volumes before us, which, considering the short time employed in them, abundantly confirms the tribute of merit so naturally awarded to them by Dr. McVickar, whose mind had been professionally directed to the subject, and who, therefore, was peculiarly qualified to appreciate the efforts of his young, and amiable, and talented friend.

In this hasty, and unavoidably superficial account of these volumes, we trust that enough has been said to recommend the perusal of them to all our readers, but more especially to those of our young aspirants for fame, who laudably desire

" To read their history in a nation's eyes,"

and, what is surely of equal importance, to gratify the fondest wishes of their parents, their friends, their acquaintances. Should these pages ever meet the attention of those, of either class, to whom this young victim of death was so justly dear, we would willingly offer to them the sympathy of one, at least, who has been taught, by sad experience

" What it is to admire and to love,  
And to lose those we love and admire."



It is now time for us to conclude our imperfect observations, by a few well intended remarks on Mr. Griffin's Latin poetical exercises. In doing this, we shall hardly be accused of any wish or intention to depreciate one whom we have hitherto so warmly and willingly held up to the admiration and imitation of his young countrymen. We are, indeed, persuaded that if this selection of his works had been made by Mr. Griffin himself, he would have omitted these specimens of an obviously imperfect *classical* education. Dr. McVickar seems to have been, to a certain extent, aware of this imperfection, for, in speaking of Mr. Griffin's qualifications to discharge the Professorial duties devolved upon him by the Doctor's necessary absence and indisposition, he says, "his classical education had been *thorough*, so far as that term may be applied to American scholarship." And certain it is, that, in this respect, far more than in any other, must the able men of the United States yield the palm to their European rivals—particularly of England and Germany. Mr. Griffin at any rate, will give no preponderance to the cis-atlantic scale. Even his English poetry has little, we think, above mediocrity: his Latin verses should have been altogether omitted. Yet, if his brother, the compiler of these extracts, were required to assign a reason for inserting both, he might well be excused by the facts related in Dr. McVickar's Memoir.

"In the department of composition, his exercises attracted more than common attention. Several of his Latin and English poems were printed and circulated at the request of the President, and at the expense of the College."

And again,

"The merit of his school-boy exercises seems to have been warmly acknowledged. They all bear the endorsement, in the master's hand, of *optimè—præclarè—Honus*."

Thus sanctioned, how could the brother and justifiably partial admirer, upon whom the compilation devolved, be aware that the *Latin* exercises, at least were full of those faults, which, under better instruction, Mr. Griffin's talents and zeal would so easily have avoided? In every instance, literary and moral, (but in none more than what relates to the luxuries and, if we may be allowed the expression, the "Corinthian Capital," of education,) the maxim is applicable:

"Decipit exemplar vitiis imitabile."

There is no absolute necessity for publishing these compositions; but, if they be published, and sent abroad with praise so calculated to mislead, the false stamp should be effaced, and the things left to their unvarnished merit. Our readers cannot have overlooked or forgotten the admirable criticism of the Quarterly Review on the "*Tentamina*" of the High School at Edinburgh. The injudicious praise bestowed upon that wretched specimen of school latinity was accompanied by a sort of challenge to produce any thing better from the English schools. The result is known: and the English reader of Mr. Griffin's Hexameters will be reminded of it when he reads, if he ever read, these exercises, so unnecessarily exposed to a criticism that they cannot escape. They are, in fact, like the Boston Prize Poems, upon a footing with the *Tentamina* alluded to, and not at all superior to them. We doubt, indeed, whether Mr. Griffin would have excelled, however instructed, in this branch of elegant accomplishment. His verses might, at Eton or Westminster, have escaped censure, because they would have been correct, if not poetical; but they would hardly have been "sent up as good," at one of those schools, or been honoured by the silver penny, at the other. In prose composition, he would, probably, have been distinguished: at all events we earnestly wish he could have been tried. Native talent and literary ambition abound in this country; but we want schools as much as Lord Nelson wanted frigates in his Mediterranean pursuit of Bonaparte. His heavy vessels were almost useless, for want of that lighter class by which alone the first could be led to triumph and fame. Even in the seminaries of New-York, we think that some of Mr. Griffin's rivals would have borne away the palm in the species of merit now under consideration. It appears that in the autumn of 1819, when just fifteen years old, Mr. Griffin was among the candidates for admission into Columbia College. "The examination was, at that time (Dr. McVickar's words) long and rigid, continued for several days, and terminated in an arrangement of the names of the aspirants, in the order of merit." Mr. Griffin stood first on the list; but the justice of the decision was questioned by one, at least, of the candidates, and if the *distichs* to which the occasion gave rise, be made the test of superiority, we think with great reason. A son of Lorenzo da Ponte, the Italian Professor in Columbia College, was, apparently, the most prominent rival of the conqueror. This boy, (another victim of early death, and instance of blasted hopes,) considered himself as injured by the preference given to Griffin, and, as "Facit

indignatio versus," wrote with a pencil the two following lines, which he passed along to the victor:—

"Vicisti, Griffin; parva at tua gloria; nam quod  
Annis quinque tibi, menses mihi quinque dederunt."

To which the former immediately replied—

"Æmule! cur, senior, fallaces ad fugis artes?  
Menses tu simulas, annos tamen insere victus."

It is manifest that the first of these distichs is by far the best, though neither is without claim to merit. The collocation of the preposition in the phrase "*ad fugis artes*," is wholly inadmissible: the "*fugis ad salices*" of Virgil should have been present to the young scholar's mind. Upon the whole, we have no doubt that Da Ponte would have been pronounced the best versifier—at an *Eton* examination. If, indeed, he had been only five months employed in prosody and verse-making, his advancement was singularly great: but he probably received some assistance from his father. We know not of any better standard for a reviewer's duty than Pope's celebrated line, varied as we think he would, himself, have varied it, if he had not been compelled to sacrifice a little of his reason to his rhyme. Our sense of propriety and duty would lead us to say:—

"Praise, where you can; be candid, where you must."

And, having, we trust, been no niggards of the first, we shall not hesitate to obey the call of the second, in our estimate of the Latin exercises (pleasantly called "Poems," by the biographer of Mr. Griffin) that have been inserted among the early productions of the author. "Save me from my friends," said some wise man; an exclamation that would, we are sure, be echoed by Mr. Griffin if he were alive. Yet, we repeat, who shall blame the mistaken partiality of his brother, the compiler of the materials now before us, sanctioned as he was in this instance, by the president and other collegiate authorities of New-York? We have read over with at least as much attention as they deserved, the five copies of verses here submitted to the public eye; and we assert without hesitation that nothing but the *Edinburgh Tentamina* and the *Boston Prize-Book* can equal them on the score of mediocrity. Not only are they wanting in the *mechanical* requisites of Latin poetry, but we have searched in vain for any "*membra disjecta Poetæ*"—any thing like poetical ideas. The first in order of the series is a servile and school-boyish imitation of the first of Horace's Odes, written

at the age of fourteen. Like the rest, it exhibits a frequent use of the *figures*, (in scanning,) and a copious reference to the *Gradus* for hemistichs, synonymes, and epithets. The writer's ear had never been "formed to harmony," and all his ideas, such as they are, presented themselves in a vernacular dress before they were commuted into Latin. So long as this is the case, it is absolutely impossible that any thing like Latin poetry should be the result. Rhythm, the indispensable ingredient of this sort of composition, seems to have been unknown to our versifier; and we venture to assert that he could not read even Latin *prose* with that correctness which is one of the principal advantages derived from a familiarity with Latin *verse*. For our own part, indeed, we would desire, generally, no better proof of a knowledge of prosody than we should discover in hearing a reader or speaker of one of Cicero's orations. A well-tuned ear, and that *confidence of correct pronunciation* which (notwithstanding Mr. Locke's unfounded sarcasm) is one great end of all the verse-exercises at Westminster and Eton, are as manifest in the recital of Cicero, Livy, and Sallust, as in the heroic or elegiac metres, or in any of the various species adopted or invented by Horace. What would Mr. Fox, Mr. Canning, Mr. Wrangham, Sir William Jones, &c. have said if they had been called upon to sanction and to print at their own expense, as specimens of extraordinary merit, such lines as the following:—

"Io! tempus adest palmaque nobilis;  
Jam restant merito præmia debita.  
Expectata dies fert leviter movens  
Terrorum stolidis, gaudia sedulis."

And again:

"Queis nec palma placet, nec sibi commodum,  
Infandum fugiant, excitat odium."

Where the construction seems to be: "nec sibi commodum," (meaning 'their own good,') excitat (ut) fugiant otium *infandum*." The omission of the conjunction, however allowable in some cases, is here insufferable; the latinity itself is questionable; and then *infandum* as an epithet for otium!

"Quos si non radiant lumine splendido,  
Optatis patriâ cingit honoribus."

As regards the sense of this passage, the president of the college should have suggested, previously to publication (under

college sanction,) that he whom his country "cingit optatis honoribus," may be generally admitted "radiare lumine splendido;" and, further, that *lumen* is always more or less *splendidum*, and that such an epithet is better omitted than inserted. Besides, the final syllable of *patriâ*, in this line, being short, the line is no verse at all.\* A false quantity of this sort would under Dr. Bushy, Dr. Parr, or Dr. Burney, have been as closely associated with a flogging, as shadow with substance, or a tree with its bark: but under *those* masters, boys of so much talent and literary ambition as Griffin and Da Ponte, would, even in the lower regions of *nonsense-verse*, have been far removed from such an error as the one we have just noticed.

"Sublimem puerum ad sidera tollite"  
 Palmam qui meruit, omnibus æmulis  
 Præcurrens, &c."

It is not very clear to what nominative or vocative this verb *tollite* is referrible; and as the proverb tells us that "what is every man's business, is no man's," the poor *palm-deserver* might remain fixed to the earth for want of some further stage-direction. Here, again, we have a false quantity in the final syllable of *meruit*. The whole of this lyric attempt accords with the specimen we have given above; but the two concluding lines exhibit so curious a specimen of the ὁμοιοτελευτον, that we are unwilling to pass them by unnoticed:

"Est dignus meritis, dignus honoribus,  
 Vestris hic quoque sit dignus amoribus."

Surely, the *partial* schoolmaster who endorsed such verses as these with the eulogistic "*præclaré, optimé, præclarissimé, honos,*" &c. should have recollected Dr. Johnson's reproof of a praiser *not qualified to praise*: "I wish you would consider the *value* of your *flattery*, before you bother me with it."

The second poem has for its *thesis* some celebrated lines in Seneca, that we shall insert, as containing a prophecy that cannot but interest us of this new world, which the Roman tragedian is said to have here shadowed out: it is a little singular that the *poetical* subject of a *poetical* exercise should stand at

\* In noticing these false quantities, we are not regardless of the power of the *cæsura*; but though we feel all due respect for this poetical license in the *lengthy* poems of Virgil, Lucretius, &c. we protest *totis viribus* against its applicability in short copies of verses like those before us: in many of which, as readers of attuned ears must painfully perceive, there is no *cæsura* at all. Horace seems to have had a great objection to this figure of prosody, probably for the reason we have assigned, that it is not admissible in compositions of a limited extent. In the Ode of which Mr. Griffin's is at once a servile and most unsuccessful imitation, and in two others of the same metre, no short syllable, made long by *cæsura*, is to be found.

its head divested wholly of the *measure* in which Seneca was writing. We shall, of course, give them in their author's dress; their prosaic disguise or *transmogrification* may be seen by reference to the printed volume: they form part of a chorus in Seneca's *Medea*.

“ ————— Venient annis  
 Sæcula seris, quibus oceanus  
 Vincula rerum laxet, et ingens  
 Pateat tellus, Tiphysque novos  
 Detegat orbes, nec sit terris  
 Ultima Thule.”

Whether Seneca had a *presentiment* of our western world, or not, it must be admitted that they apply to us in a very remarkable manner; as was first observed, if we mistake not, by that Bishop Berkley to whom Pope has attributed “every virtue under heaven.” From this rectification of the order of these celebrated lines, let us proceed to see how far they served to inspire the muse of Mr. Griffin.

“Audebat quondam transire profunda Columbus  
 Æquora,” &c.

Can any thing be tamer than this! and should not the manifest misuse of the imperfect, but continuous action implied in *audebat*, have been by the master pointed out? The adventure of Columbus took place several centuries since, and yet this ill-chosen tense is employed in relation to it, merely because *amrus est* (the perfect tense) could not be introduced into the bald hexameter that commences the *poem*!

In verse the eighteenth we are told that,

“Ipse gubernabat navem, clavumque gerebat.”

If this sickening tautology escaped the boy-poet, how could *his master* avoid noticing it? Is criticism made up wholly of praise? Or, if faults there are, does friendship require that they should be suppressed? The justly lamented author of these *failures* ended the short voyage of his life without knowing the shoals and quicksands that he had escaped; but, does candour require that those who come after him should not be warned of the dangers that await them if they venture upon similar undertakings with no better preparation? When Virgil means to raise *Æneas* in our estimation, we are furnished with reasonable grounds of admiration:

“Ipse, sedens, clavumque regit, velisque ministrat.”

The hero not only governs the helm, but manages the sails at the same time, and that, too, *sedens*—quite at his ease—an

art which *modern* helmsmen seem to have lost. Columbus, indeed, would not have long been able to sit still, for,

" — Ecce ante oculos ingens, informis imago,  
Teque, Columbe petens, summâ sese extulit undâ"

The epithets *ingens* and *informis* are awkwardly connected with the participle *petens*; and, indeed, as the *realities* of Columbus' voyage afford matter enough for poetry the most sublime, it is to be regretted that this fabulous monster should have been so unnecessarily introduced to alarm him. The prodigy, indeed, soon disappears, and gives way to another; for,

" — En subito Dea candida culmige fluctus  
*Libertas* advecta subit."

This *Virgo cœlestis* assures him that,

" Audiit omnipotens *facilis*, solio radianti."

In which line *facilis* is a very silly epithet, and the proposition upon which *solio radianti* depends, is omitted though indispensable to the syntax of the phrase. Omitting other passages that we had underscored, we would ask every classical reader what meaning can be annexed to the following lines :

" Æneas posuit sedem, atq immitis Achilles  
Semideum occidit, præclarum nomen ademtum,  
Orbem tu *tamen* invenies, populosque potentes," &c.

But from this master-piece of fourteen years of age, let us hasten to the compositions of sixteen, seventeen, and eighteen, which afford very little additional satisfaction. Under proper tuition, the last important period would have enabled our poet to make us forget the crude efforts of former years. Alas! he had no Busby to correct his errors, and, at the same time, to commend and encourage his zeal!

The lines written at sixteen are upon an interesting subject and calculated to inspire poetry where a spirit of poetry exists—the misfortunes of Greece—yet, neither in *this* production do we find any thing to praise. The thesis is from Ovid's *Metamorphoses*; and we cite it as coming home to the feelings, on an occasion which so lately occupied a large share of our attention and sympathy:

" Vile solum Sparte est; altæ cecidere Mycenæ;  
Œdipodionæ quid sunt nisi fabula Thebæ?  
Quid Pandionæ restant nisi nomen Athenæ?"

*Ovid. Met. xv. 426.*

Finding nothing in Mr. Griffin's effusions that we can commend, we shall content ourselves with very few remarks.

"Græcia heu misera ante omnes spoliata," &c.

Is no verse; it may be scanned, but cannot be proved. Greece is described as the "contempta sedes servorem qui complexu fera vincula cingunt"—who hug their chains—words that convey the idea of a mother's affection for a child about to be torn from her: surely, the attachment of the Greeks to *their chains* never amounted to this: if it had, they would not have expressed it in such Latin phraseology.

"Argutus citharæ cantus vallibus imis."

Has no trace of cæsure, and is, in this respect, too nearly resembled by many others. If we represent to ourselves a human frame, induced with motion, but without the usual *flexibility of joint*, we shall have some idea of what the ear suffers in reading such hexameters. They would not pass without censure in a first copy of even nonsense-verse. We search in vain for the corresponding substantive of *umbrosis*, in—"Tempe in umbrosis neque musæ, nec citharista Pythius ipse habitat." The verse cannot be scanned without a false quantity, and we unavoidably lament the degradation of the Pythian Apollo, when we find him reduced to a mere *Cytharista*—a harper.

We are told that—

"Campus Olympiacus, factorum ingentium arena  
Quandam, pabula nunc præstat pecori *petulanti*;  
Atq ubi contendere Heroes, agna tenella  
Læticia exultans deserto in gramine ludit."

All this is insufferably puerile, both in thought and expression, for a boy of sixteen, held up to public admiration as Mr. Griffin was, by the college officers, by his schoolmaster, and again by the compiler of these volumes. What but a *Gradus* could have suggested such an epithet as *petulanti*? or what system of prosody will justify the lengthening of the last syllable of *Heroes* (from ἥρωες) before a vowel?

"Gloria Græcorum, tua fama effugit, Athenæ."

How is *tua* made to accord with the *plural* nominative *Athenæ*? Anxious as we are to avoid the odious charge of hypercriticism, we feel compelled to add a few more lines of this specimen: If they do not plead in excuse of us, we are at a loss to imagine what will.

"Servitii dæmon, Erebo nigrisque tenebris  
Ortus *rura* regit sceptro duro atq cruento,  
Quæ Libertati quondam sacrata, Deisque."

*Rus*, properly opposed to *urbs* or *oppidum*, is here confounded with *regio*.



"Thermopylas, sacras famæ Lacedæmoniorum  
Heroum, vultu fœdo pedibusque profanat—  
Doctrinæ sedes resonantes vocibus olim  
Doctorum, nunc sunt *decoris* monumenta ruinæ.  
Doctus Aristoteles non dat præcepta Lyceo,  
Nec resonat Zenonis *voci* porticus *ampla*."

*Voci* for *voce*, and *ampla* as an epithet for the Porticus of Athens! and all rhythm set at defiance!

Disjointed as these distichs appear in our pages, they are equally so in the *composition* from which we copy them, and which Dr. McVickar is pleased to call a *Poem*. And here we are tempted to exclaim, "*Ohe jam satis est*," especially, as we are sure that every reader, whether he understands prosody and Latin, or not, must heartily echo the exclamation, or some similar one. Two copies of verses remain unexamined; one written at seventeen—the other at eighteen years of age. They are *ejusdem farinae*. The same bald Latin, or rather English latinized; the same weak epithets; the same unrythmical lines; the same measuring of the verse by the finger instead of the ear; the same school-boy reference to the Gradus; the same or similar occasional false quantities occur in these as in the preceding. We must, therefore, be forgiven (and, no doubt, readily shall be so,) if we content ourselves with one quotation—which, if the spirit of Gray is now susceptible of torment, might be adduced for that purpose—there is an apparent allusion, in what follows, to the "*Bard*" of that immortal poet and exquisite scholar.

"Longa undansque pedes vestis defluxit ad imos.  
Stabat crinibus intonsis, sparsisque procella  
Hyberna, ilicis *hirsuta patulaq* sub umbra.  
A ramis lyra frondeferis suspensa pependit;  
In cœlum direxit *inanes luminis orbes*,  
Divinum afflatum orantes ab Apolline *magno*."

Can any thing be worse than this? *Orbes inanes luminis, orantes afflatum*—blind eyes praying for an inspiration—to *magnus Apollo*!! In the next passage, the poet is compelled by the measure of his verse to contract *certavere* into *certâre* (which, we believe, not even poetic licence ever before attempted,) and the *certamen*, we find was

"Palidis quando *amplexu* Atrides Agamemnon  
*Charo*, Briscin voluit divellere *pulchram*."

Proh pudor! What would be the feelings of our countryman, Washington Irvine, if he should happen to be present when a performance like this, falls under the critical eye of

some one of the many elegant scholars with whom we find, from these very volumes, that he is constantly associated—the party, for instance, in whose company Mr. Griffin dined with him, at Murray's; Moore, Smith, &c! How would he defend the glaring false quantity in

“Quomodo, commemorat, Atridis adultera conjux”

or in

“Illum Heros audito, benignèque corpore donat”

or the miserable use of *segnities*, meaning *delay*, in the lines where Andromache is represented as praying, in her husband's absence, for his safety—

“Uxor *segnitiem* plorat, Divosque fatigat  
Continuis precibus ut *servent morte* maritum.”

And all this, after having been informed by the “Memoir,” that this exercise had been honoured by the *optimé*, *præclaré*, *præclarissimé* of Mr. Griffin's Preceptor, and by correspondent approbation in the Superintendents of the College of New-York, and, moreover, that it was written in his nineteenth year!

That the learned and accomplished masters of the great schools of Europe, are compelled annually to wade through quires and reams of such trash as this, will be readily admitted; but, then, they know its worthlessness, and they make the boy know it. Their *honours* are reserved for those who have fairly earned them. The *Kuδos* of Westminster will generally *stick* to a young man. It is like the chaplet awarded by Junius to Lord Chatham, (*Laus à laudato viro*): “The fabric is solid, and will support the laurels that adorn it.” Let the early Latin compositions of Milton, Buchanan, Sir William Jones, Gray, West, Wrangham, Tweddel, (the last educated at a *private* school) be examined critically; we shall then see what sort of *solidity* Junius meant, and how justly its laurels have been bestowed: Wretched indeed must be the state of learning among us, if we suppose for a moment that the crude productions of our young countrymen, in this kind, can bear the slightest comparison with these fruits of a foreign land. And why is this? *Quosque tandem?* How long is it to be the case? We answer unhesitatingly, so long as the most puerile efforts are to be forced upon the public attention, accompanied by the plaudits of those whose stations require that they should know better. If the native talent of such men as Mr. Griffin, and many others whom we could name, were inferior to that of Englishmen, Scotchmen, Germans, &c. we should be compelled to acquiesce in a superiority for which there would be no remedy. It would be

posterity requires at the hands of all who would secure a permanent and honourable place in its remembrance. Unfortunately for the credit of succeeding ages, the very reverse of this picture is presented for the contemplation of the inquirer into historical truth; and that constant reproduction of works on history which has been going on for the last three or four hundred years, which has won for modern times a distinction by no means honourable or to be envied, which strikes with dismay the mind of the student, and of which there is no prospect of termination or decrease—may justly be ascribed, as we think, to that *spirit of party* which, if it be not wholly modern in its growth, has, at least, acquired a character and conduced to results in modern times as novel as they have proved pernicious. The ancient world—the republics of Greece and Rome—were not without their passions and their politics—these raged in the forum and the senate-house—but the moment those master minds withdrew from the tumults and distractions of business, or debate, for the high and sacred purpose of preparing those illustrious records, whether of literary or political history, which they designed to transmit and which they well knew were destined to descend to posterity, they were studious to divest themselves of all undue bias; and with clear heads and right hearts they approached the great task of collecting and exhibiting for the instruction and admiration of future ages their own unrivalled annals—impressed with a grave and solemn sense of the responsibility in which they stood to the nation; and as solicitous to hand down to posterity unimpaired and unspotted the fair fame, as they were careful, always, to consult at home the good of the republic. It may safely be affirmed that the historical writers of antiquity exhibit nothing of that partizan spirit which has stamped itself upon nearly the whole body of the political records of modern times, which are thus fairly made to challenge the censure and the doubt conveyed by Sir Walter Raleigh, in the well-known anecdote connected with his historical labours in the Tower of London.\* This circum-

\* The uncertainty of the *law* is proverbial, yet is history much more to be relied upon? Speaking of the question as to whether heretics should be tolerated, which was debated before the Queen (Mary of England) by Cardinal Pole and Gardiner, Hume observes (vol. iv. p. 406.) “We shall relate in a few words the topics by which each side supported, or *might have supported* their favourite scheme of policy.” Of this dubiousness of history we have a signal instance in our own times. After enjoying for twenty years the renown of having slain with his own hand the famous Indian Warrior Tecumseh, it has recently been discovered that not Col. Johnson, but a Col. Westly is entitled to the honour of this distinguished feat! “It is admitted by all,” says a Kentucky paper, “that Col. Johnson killed an *Indian*”—a highly satisfactory piece of information, certainly! The question is, who killed *Tecumseh*—but how shall we ever learn the truth, when Col. Johnson himself professes an entire ignorance upon the subject?

stance it is which distinguishes the severe genius of antiquity from that facile and false spirit which may be said, without exaggeration, to have blurred and debased, even up to this hour, the character and credit of that *Christian* era which might surely have claimed an honourable exemption from the worst vices—the fanaticism—the exterminating hatred—the York and Lancaster feuds of a semi-barbarous age.

In political history, in the science of government, many of the views entertained by the ancients have been long since exploded; in certain branches of philosophy, new facts developed in the course of ages, and new lights furnished by the improved social and intellectual condition of the civilized world, have in some important respects given a new cast and superior elevation to the minds of the great aggregate mass of men in modern times—but in moral grandeur, in all those ennobling sentiments which dignify and adorn the character of man—a stern sense of justice, a strict regard for truth, and a devoted patriotism, an exalted and uncompromising love of country—it may fairly be questioned whether we have attained or are at all likely to attain to that high and costly standard to which as to a test the great men of ancient times were invariably subjected; and by which they were willing because prepared always to abide. Nor, in the instance of the Romans, were these exalted virtues divested of the grace of that mental and social refinement which is supposed by many to be the distinguishing feature—the exclusive birthright of modern society. The domestic manners of the Romans were in point of true polish and genuine politeness, infinitely superior to those of one half the people of modern times. The very maxim of one of their own incomparable writers,

*Ingenuas didicisse fideliter artes  
Emollit mores, nec sinit esse ferus;*

shews in a few words what were the precious effects of letters and of mental cultivation upon the manners no less than the morals of the truly great men of antiquity.

We scruple not to say that these reflections have been forcibly suggested to us by the perusal of the work whose title stands at the head of this article; nor do we know of any more signal illustration of the remark with which we set out—touching the cause, or causes, which have conduced, in modern times, to that redundancy of works on history, so much to be deplored, so deterring to the student, and absolutely offensive to the polite scholar and reader of taste—than is afforded in the volumes of Mr. Bell. He has himself adverted to the fact, without.

however, attempting or venturing to account for it. No less than twenty different champions—to say nothing of the great George Buchanan, Hume, Robertson and Gilbert Stewart—have, from time to time, in various armour, essayed to break a lance in the “Marian Controversy”—the greater part armed with the fierce and exterminating mace of religious intolerance, and a deadly uncompromising political animosity, and marshalled under banners hostile to an innocent, unoffending, and, to the last, unprotected female—a few, and but a few only, interposing the shield of truth and honour in behalf of the injured, the beautiful and unfortunate daughter of James the V. It is by no means calculated to raise our estimate of human nature, to reflect that, among this host of writers—priests and politicians, secretaries and librarians—hardly an instance of entire disinterestedness, of pure and conscientious conviction, or of honest and loyal devotion to the illustrious subject of this most unworthy controversy, could have been pointed out, or fairly insisted upon, until the appearance of Mr. Bell’s two volumes. The ablest and most distinguished literary character of that age, in Scotland, clothed too in the garb of a religion which inculcates charity and love to all men, scrupled not to raise his voice—and he well knew its power and influence—against the sacred cause of truth and the best interests of humanity—meanly and shamelessly slandered his queen—one of the gentlest and best, as she was the most unhappy of women—and this, not, as was the case in one or two solitary instances—not from a thorough, however, erroneous persuasion that he was performing an indispensable though painful duty—not that he believed Mary to be culpable, either as a sovereign or a wife; nor because he regarded her as the enemy of what he considered the true faith—these motives, or any one of them, had furnished him with a just pretext, or excuse, for waging a religious and political warfare against his royal mistress—but to none of these honourable incentives can we ascribe that rigid and unsparing course which Buchanan, in conjunction with Knox, and others, pursued towards the almost unconscious, because unsuspecting Mary—a course eminently calculated to impair, if not to endanger that throne from which she was ultimately hurled; and to destroy that life which as it had begun in sorrow, was closed in ignominy. No. A groveling self-interest—a shameless compromise between his honour and his views of paltry personal aggrandizement—this, and this, alone, it was, that led to Buchanan’s infamous crusade against his queen; and never, certainly, did worse motives conduce to, or were means less equivocal employed in the prosecution of a

criminal end. When the celebrity and consequent influence which Buchanan had won and enjoyed in his day, are called to mind, we shall hardly be taxed with laying undue stress upon his opposition and enmity to Mary—more particularly as these seem to have known no bounds. The still remaining doubts which, in spite of his crafty zeal, this formidable adversary of the queen had left unresolved in the minds of a large majority of the people of Scotland, were completely dissipated by the kindred and congenial labours of his successor in the same honourable field—the far famed and redoubtable champion of the reformed church, John Knox. With a gallant determination to confront, and with a desperate hope of defeating these “mailed champions,” appeared Lesley, Bishop of Ross. Unfortunately for the good cause he had espoused, he used no care to conceal the fact of his being at once the partizan and zealous servant of the queen; and thus, though he had spoken as never man spake before, it was easy to foresee that his voice was not destined to be heard, or, if heard, listened to.

It is, indeed, to be lamented, that truth, while it is sure, in intellectual, as well as moral matters, to prevail in the end over bigotry and error, should but too often hold itself, as it were, aloof from the good name and fair fame even of those who have most sedulously vindicated its interests and advanced its cause, in a world where “the race is not always to the swift, nor the battle to the strong.” The reason for this, however, is too obvious to be insisted upon; while it is infinitely humiliating. Where the selfish and dishonest purposes and low wants of man conflict not with his judgment, or sense of justice, his assent to truths, no matter of what character or description, is almost as involuntary as it is unqualified. Put death, however, in one hand and dishonour in the other—where this dishonour, as is too frequently the case, happens to be coupled with his ‘usances’—and like the patriot Roman, though with his immortal sentiment *reversed*, he will “look on death indifferently.” We know of no period of history, whether ancient or modern, to which this remark applies with greater force or relevancy, than to the memorable and mournful reign of Mary Queen of Scots. In common cases—in the personal and political vicissitudes of emperors and kings—with regard to *men*, we may, perhaps, feel ourselves at liberty to shrug the shoulder and leave *them* to fight their battles as they may; but we put it to the hearts of those in whom manhood and humanity are not alike extinct, whether it be possible, even at this distant day—after a lapse of nearly three hundred years—to advert to the social and political fortunes of the illustrious but ill-fated Mary,

without being inspired with sentiments of horror at the doom which was awarded her, and of abhorrence for the monsters who could conceive, and the measures which consummated her treacherous and tragical death upon the scaffold! We do think—what Mr. Bell and others have said to the contrary, notwithstanding—that the events and circumstances connected with the public and private history of the Queen of Scots, are, up to this hour, more calculated to enlist our sympathies, awaken our indignation, and give a tone, one and decided, to that sense of insulted virtue—of rights, social as well as political, invaded, outraged, trampled under foot—of all the charities and decencies of life, in its manifold and most sacred relations, wounded and violated, at once, in the person and exalted station of the august subject of the volumes before us, than any other body of historical records, as appertaining to the character and career of a *single* individual, with which we are at this moment acquainted. A Scotch writer, living in the heart (such a *heart* as is that of *Mid-Lothian*) of the very country over whose whole extent might once have reigned in peace and splendour one of its own sovereigns, has scrupled not to ask the question, what interest can we, or are we likely to feel at this time of day, in the fate of a princess who lived nearly three hundred years ago? It is difficult to respond to a query like this, with the temper which becomes those whose office it is to discriminate, if possible, truth from falsehood—to investigate grave and trying questions—and not to furnish answers to ignorant, heartless or impertinent interrogatories; or to contend against the idle weapons of the madman or the fool. But we apprehend that something is due to the memory of those of whom it cannot be said that they were less happy in their lives than death—both having been alike miserable. If the claims of the unfortunate, whilst they live, upon the sympathy of all good men, be readily admitted and universally respected, we must be suffered to think that death, so far from lessening, imparts a peculiar sacredness to such claims, where, as in the person of the illustrious subject of these remarks, they have been allowed to go down unacknowledged and unvindicated to the grave. The emancipated spirit, it is true, has burst its fetters, and soared beyond the tomb!

Treason has done his worst, malice domestic,  
Nothing can touch it further:

But shall we, *can* we forget, or overlook, the appealing fact, that in this world it once felt and fluttered—that, “clothed in this muddy vesture of decay,” it once throbbed with the min-

gled emotions of joy and pain—was once agitated by the hopes and fears of humanity—wept over its sad fortunes, or exulted in its felicity—or shrouded in a settled and ceaseless gloom, pored with eternal and profound regret over the “lost Babylon” of “the ruined heart, the brokened mind”—scarcely venturing to look beyond, yet assured that peace is not in reserve for it on this side of the grave. The dead once lived—lived, thought, felt, acted like ourselves—had cause, like us, to heave the sigh, regret, repine, or rage! Is this—because it is past—happily past, let us think—is this nothing? The selfish, the short-sighted, or the sordid, alone can believe so. To our minds, the memory of the unhappy should find a place, always, in the breasts of their more fortunate successors. The dead cannot speak, at least to us—silence has set its everlasting seal upon their lips in this world—is nothing, then, due to those who bequeath to us the solemn trust, the sacred duty of saying for them that which they can no longer say for themselves? Surely, if the spirits of those who have “past through time up to eternity,” can be supposed to suffer a pang in another world, it must be at having their memory insulted by the very persons who had rendered their lives unhappy—the treachery of enemies too mean to be just, or the unworthiness of friends too lukewarm to be true. Such, without exception or qualification, has been the fate of Mary, Queen of Scots. Those who had a share in making her life miserable, are those who have sought to render her memory odious. The able and accomplished author of the volumes before us, is eminently entitled to the approbation and applause of the just and good, the liberal and enlightened, in whatever part of the world, for the truly commendable spirit, the research, the candour and ability which he has displayed in his recently published “Life” of Mary—a work which reflects infinite credit upon his heart and understanding; and which, as a triumphant vindication of the character—aspersed and blackened as it has been—of the ill-fated Queen of Scots, we have no hesitation in pronouncing to be as masterly a production as ever graced the historical annals of any age. The numerous and bitter enemies of Mary—enemies to her person, her government, and her religion, have been fairly driven from the field they have so long and valorously occupied, covered and overwhelmed with that infamy to which defeat and chastisement so signal, was sure forever to consign their labours and their names.

Mary was crowned by Cardinal Beatoun, or Beaton, at Stirling on the 9th of September, 1543—not having yet completed her first year. The following short extract, furnishes a curious sample of the manners of that age:



" Her mother, who watched over her with the most careful anxiety, had been told a report prevailed that the infant was sickly, and not likely to live. To disprove this calumny, she desired Janet Siffclair, Mary's nurse, to unswaddle her in the presence of the English ambassador, who wrote to his own Court that she was as goodly a child as he had seen of her age." p. 54.

Mary was ushered into the world at a period when events of surprising magnitude were struggling into birth—when some of those secrets of the womb of time, often terrible, but as often sublime, were about to be disclosed—a period of political and religious *sensation*, perhaps without preceding or subsequent parallel. The cradle of Mary's infancy may, thus, be said, without exaggeration, to have been "rocked by whirlwinds and begirt with storms." The spirit of the Reformation was abroad—like a mighty wave boiling and bursting over Europe, obstacles and opposition could only impart tenfold fury to its wrath and rage; and these it met with in the formidable impediments by which Charles V. and his potent auxiliaries of France and England, strenuously, but vainly sought to arrest its inevitable and resistless course. The league with France, which Henry, on the part of Scotland, had endeavoured to prevent, was the unavoidable result of the uncertainty and danger of the times; and yet, although expedient, and, indeed, necessary at the particular juncture, it ultimately proved one of the many sources of those ills which seem to have selected Mary as their victim—ills which, had they sprung up singly in her path, she might, perhaps, have defied; but which combined, as they were, proved deadly to her peace, and fatal to her life. Her misfortunes, indeed, commenced literally with her birth. She was but a few days old, when the King, her father, died. The Regency immediately became an object of fierce and desperate contention. The people at length decided for themselves, and entrusted the administration of the government to the weak and powerless hands of the Earl of Arran—to the exclusion of the pretensions of the Queen-mother, and the talented and aspiring Cardinal Beaton. If ever "coming events cast their shadows before," it was at this period in the history of Scotland. Happy, had Mary been gifted with that "mystical lore," which might have enabled her to foresee them, or been blest with that stoicism of the heart, upon which, as on a mail, steel clad, the darts of misfortune fall without effect. "Many miseries await this poor kingdom," said James V. on his death bed. Could he have foreseen those which were in store for his poor daughter, surely the prophetic vision had anticipated the stroke of that death which was then hovering over his pillow, and blast-

ed him where he lay ! It had, perhaps, been most fortunate for Mary, had that union of the two crowns, which ultimately ensued, been brought about earlier by her marriage with Edward VI. ; and it is more than probable that the match, but for the " manner of wooing," as the Earl of Huntley is reported to have said pleasantly, would have been effected. Sir James Sadler, on both his missions to Scotland—whither he had been sent charged with promoting, if possible, the views of his royal master, (Henry VIII.) as connected with that country—endeavoured to detach James from his alliance with France, but without success.

It is not to be disguised, that the constant interference of France in the concerns of Scotland, which sprung out of the near relationship of Mary to the Duke of Guise and Cardinal Lorraine, constituted one of the most signal of those evils which beset the life and reign of the Queen of Scots. Distracted by contradictory counsels—vainly endeavouring to please two parties, equally powerful and mutually opposed—the situation of Mary was, perhaps, the most trying and unfortunate to which it had ever been the lot of sovereign to be subjected. Adopt what measures she might, was it likely that they would prove satisfactory to the people of Scotland, and the Kings of England and France, alike ? Yet nothing short of this, impracticable and impossible as it was, seems to have been required at the hands of Mary—at best too gentle and too good for the station which she occupied—a station demanding, if ever such station did, sterner materials than composed either the heart or understanding of the beautiful and accomplished Queen of Scots. The extraordinary demands of Henry VIII., his known views and wishes—coupled with his haughty proposals of marriage between his son Edward and the infant heir to the Scottish throne, led to the belief, on the part of the queen-mother and the Cardinal, that it was no longer safe for Mary to remain in Scotland. She was, accordingly, sent to France, confided to the care of the French King ; and her noble relatives of the houses of Guise and Lorraine. The policy of this step may well be called in question—but thus was Mary the sport of circumstances to the hour of her death. For thirteen years, an inmate of one of the first convents of France, Mary passed a life of quiet and seclusion—they were the happiest, or, rather, the only happy years of her existence. Ambition, in the person of the Guises, soon entered within the walls of this her peaceful sanctuary, and tore her from its embraces.

"It was whispered," says Mr. Bell, "that she had already expressed a wish to separate herself forever from the world; and it is not improbable, that had this wish been allowed to foster itself silently in her bosom, Mary might ultimately have taken the veil, in which case her life would have been a blank in history. As soon, however, as her uncles were informed of the bent which her mind appeared to be taking, she was removed from the convent to the castle. To reconcile her to parting with the vestal sisters, Henry, whose conduct towards her was always marked by affection and delicacy, selected, from all the noble Scotch families then residing in France, a certain number to constitute her future household. The tears which Mary shed upon leaving the nunnery, proved the warmth of her young heart; and that her feelings were not of merely momentary duration, is evinced by the frequent visits she subsequently paid this asylum of her childhood, and by the altar-piece she embroidered with her own hands for the chapel of the convent." p. 56.

We shall pass over Mary's residence in France, where her time was employed at once usefully and elegantly, and spent without reproach—together with her marriage with the Dauphin, Frances II., who died shortly afterward—and proceed to notice an ill-advised step which Mary was persuaded, we might say, constrained to take, about this period—a step which, though urged upon her by her uncles, whose wishes, it seems, were commands with her, she most reluctantly adopted—as she herself subsequently declared. There can be little question that the open assumption, on the part of Mary and her French consort, of the arms and title of England, dictated, as was that ill-judged and daring measure, by the King of France, and warmly seconded by the powerful house of Lorraine, on the avowed ground of Elizabeth's illegitimacy,\* laid the foundation of that hatred which inflamed the breast of the latter toward the person and character of the Queen of Scots, and which ended only with the death of Mary. Elizabeth was but too well aware, that her title to the crown of England had become matter of dispute, and, indeed, was openly denied by her enemies, both at home and abroad. The union of the crowns of France and Scotland, was formidable to the interests of Elizabeth; as were, in a scarcely less degree, the power and abilities of the family of Guise. The character and condition of affairs throughout England, at this period—its political and religious institutions overthrown and set afloat upon that tempestuous and terrible ocean which rushed raging and remorseless from one extremity of the kingdom to the other, overwhelming the weak, and lifting up the strong—this violent concussion of elements social

\* Both Elizabeth and her intolerant sister, Mary, had been declared illegitimate, by act of Parliament.

and public, which shook the Isles of Britain to their center, and frightened them from their propriety, was, as has always been the case, more favourable to the views, and more calculated to promote the measures of what would now be termed the "Movement party," than of those who merely desired to retain, and not acquire. Among this latter class of the people of that trying period, we must certainly number Mary in the *end*—for the very first step by which she sought to ascend the ladder of ambition, was identically the one which finally forced her to its foot—there to defend herself against the rage and hatred of those whom her unfortunate pretensions—by an easy transition to *them*—had, from being suspicious and watchful observers of her conduct, converted into the avowed and bitter enemies of her person and her power, as a sovereign. Nothing short of her entire destruction, it soon became manifest, was likely to appease the malevolence of Elizabeth, or render her assurance doubly sure in the safety of that throne from which proceeded the measures that encompassed Mary, and, ultimately, the mandate which led to her death upon the scaffold. Now, in the whole of the transactions of that period, it is impossible not to perceive that the Queen of Scots was a passive, rather than an active party. This prominent, and, as regards the reputation of Mary, most important fact, has, we think, been entirely lost sight of even by the few friends and asserters of her cause, both then and since. This fact, it is, which invests the fortunes of Mary with that profound and almost universal sympathy which attaches, in the same degree, to the history of scarcely any other distinguished public character of modern times—whilst the fact itself, has, even up to this hour, escaped detection. It is no where referred to, by the most distant allusion, in the volumes of Mr. Bell—the last and most lucid of that formidable host of authorities, who, as he himself remarks, should all be consulted by those who would form an accurate and just estimate of the real merits of a controversy involving, not alone the public and political credit of a queen, but, what is of far greater importance, the personal fair fame of a wife and mother—a woman the most interesting, as she was the most beautiful and unfortunate of her age, or, we might add, of any age. This, then, is the hidden source—unknown, or, at least, unacknowledged—of that deep and absorbing spell of wo and wonder which closes upon the heart and understanding, as, transported to the past, forgetful of the present, they pore upon the mournful destinies of Mary. Never did

misfortune light upon a head so wise, so gentle, and so just !\* View her in what light we may, the same dark shade interposes to throw its gloom upon the picture. Was she a queen, her subjects, to say the least, were disloyal—a wife, her husband (Darnley) was a wretch, a traitor to her person and her throne—a friend, the object of her bounty and regard was inhumanly butchered before her very eyes ! Distracted by contradictory and opposing counsels—enviored by the machinations of her enemies—indebted and endeared to France—responsible to England, yet pledged to her own country—whither could she turn for consolation, where for hope ? Hope came not to her, “ which comes to all ! ” There are more facts than one on record, which go fully to sustain us in this opinion of Mary’s non-participation, in a moral point point of view, in those measures which were so singularly and artfully turned against her—involving her reputation and her peace, in the first instance, and, finally compassing her death, under circumstances the most atrocious. Her reply to Throckmorton, who, in the interview he had with her, shortly after her return from France, adverted to the assumption of the armorial bearings of England, as a subject of complaint with Elizabeth, is alone sufficient to convince every unprejudiced mind that in that act, as in almost every other of her life, Mary was at once the sport of circumstances, and the mereat instrument—passive, because unconscious, and unconscious, because unsuspecting—in the hands of the meanly ambitious, for accomplishing their unprincipled designs. Upon Throckmorton’s submitting to her, whether “ any thing could be more prejudicial to a prince, than to usurp the title and interest belonging to him,” “ M. l’Ambassadeur,” replied the Queen, “ I was then under the commandment of King Henry my father, and of the king my lord and husband ; and whatsoever was then *done by their order and commandments*, the same was in like manner continued until both their deaths ; *since which time you know I neither bore the arms nor used the title of England.* ” Methinks,” she added, “ these, my doings, might ascertain the Queen, your mistress, that that which was done before was done by *commandment of them that had power over me* ; and, also, in reason, she ought to be satisfied, seeing I now order my doings as I tell ye.”† Nothing, certainly, could be more reasonable or satisfactory than the above reply ; and when we

\* To Mary we may fairly apply the compliment paid to one of the mistresses of Francis I. (Duchesse d’Estampes) who was declared to have been, “ la plus savante des belles, et la plus belle des savantes ”—but who partook, at the same time, which cannot be said of the Queen of Scots—of the character which, under the reign of Louis XIV., went by the name of *Precieuse*.

† Bell, vol. i. p. 99.

reflect that Mary, at this period, had hardly attained her nineteenth year, we can surely understand how it was that she should have been under the control and at the entire disposal of her royal and princely relatives and advisers—husband, father, and uncles—all agreed in their views; and, consequently, combined in the easy task of influencing and determining hers. We can very well imagine, at the same time, that Elizabeth should have been stung to the quick by this unfortunate act on the part of Mary, founded, as it was, upon the ground of her dishonour—but, then, had not the Parliament of her father—an English Parliament—declared both her and her fanatic sister, illegitimate? But, at all events, Mary's renunciation of that title which she had evidently been constrained to assume, might, in reason, have appeased and disarmed the feelings of Elizabeth toward her, but that the pride of the former had been wounded—a wound which haughty spirits—and Elizabeth had her full share of high conceits—rarely suffer to heal, because they rarely forgive it. Still, however, upon Throckmorton's making known to her, as he must have done, Mary's reply to the question which he had put to her upon this matter, and the new light in which that reply undoubtedly placed the whole subject, should not Elizabeth have been made at once to perceive who her real enemies were—that the relatives and directors of Mary, and not that gentle and unoffending being, had been the authors of the unpardonable insult which she conceived to have been put upon her, both as a woman and a princess? A fallen human nature is always true to itself, if not to others; and *revenge* once engendered in the breast of man or woman, seldom discriminates. In the hostility of Elizabeth's conduct to Mary, of which—while various other causes of dislike and repugnance undoubtedly existed—the deep foundation may, nevertheless, be said to have been laid at this period—we recognize the force and fidelity of the poet's picture, as it may be termed, of this passion of revenge. Othello laboured under a similar error, with regard to the supposed author of his wrongs, yet do we hear him exclaiming,

Had all his hairs been lives, my great revenge  
Had stomach for them all!

Humanity forbid that we should put in a plea in behalf of Elizabeth's merciless treatment of the Queen of Scots. The dupe in the play, was as generous as he was brave—of a "free and open nature,"

That thinks men honest, that but seem to be so ;

and when he is finally undeceived in his suspicions, what is his language to his lieutenant ?

I do believe it, and I ask your pardon.

This, emphatically, should have been the acknowledgment of Elizabeth to Mary, upon learning the circumstances under which the latter had been urged to assume the arms of England—but Elizabeth had not the virtue, she wanted the soul to make it. But for this, and she might have profited by the example of her father, whose generous conduct to James IV., after the battle of Flodden, furnishes so striking a contrast with that which she exhibited to her unfortunate but illustrious relative, the Queen of Scots.

Various other causes, distinct from the one on which we have been commenting—have been assigned as having given rise to those signal vicissitudes and complicated evils which overtook the house of Stuart, in the person of Mary. The separateness, in themselves, of these causes, though more or less politically tinctured, all of them—and yet the dogmatism of assertion with which they have severally been insisted upon as having conduced to the fatal catastrophe of the Marian tragedy—are by no means calculated to elevate our estimate either of the wisdom or impartiality of modern history. The voyage to France, and the thirteen years residence in that country—the assumption of the arms of England—the marriage, first with Darnley, and, subsequently, with his murderer, Bothwell—the religion of Mary, whose usual appellative with the amiable John Knox, was the “Jezabel”—have each been confidently alleged as the separate and single source and secret of the misfortunes of the Queen of Scots. Like the apples of Sodom, fair without, but ashes within—*atra et inania, velut in cinerem vane-sunt*—fate seems to have diffused over the prospects which dawned upon Mary at the period of her marriage with Francis, an excess of light purposely designed to conceal from her view the dismal gloom which lay beyond, and thus to interpose, by a false and delusive colouring, between the present and the future. Bating this brief period—this one green spot in the waste of her memory—

This speck of azure in a sky of storms,

it might with truth be said of Mary, in the words of the poet Moore, that her hope, if she could, indeed, be said to have had one hope more than another, had been

————— born in fears,  
And nursed by vain regrets ;  
Like winter suns it rose in tears,  
Like them in tears it sets !

Mary's return to Scotland—hastened at once by the death of her husband, Francis, and that of her mother, the Scottish regent, brings us to the most disastrous period in her melancholy history—the marriage with Darnley, followed, as it shortly afterward was, by the assassination of David Rizzio ; and the murder of Darnley himself. These events—which certainly “followed hard upon”—have, like every other connected with the life and reputation of the Queen of Scots, been variously represented—or, we might more properly say, *misrepresented*. One thing, however, is certain—which is, that Darnley—after having been early distinguished by proofs of the queen's regard, and finally, with the consent and approbation of nearly the whole Scottish nation, honoured with her hand, and elevated to a share in her throne—in return for these high favours and distinctions, treated his royal consort with insolence, ingratitude and treasonable baseness. Yet, notwithstanding his brutality, his debauched life—his low association, and the insults which he so repeatedly offered her, even in public, frequently occasioning her to shed tears, wrung from her in very bitterness of heart, and to curse the hour that ever she was born—still, to the last, Mary retained for him a degree of affection which can be accounted for only on the score of the tenacity of woman's love, which, where once it sets its crown and fixes its “hearted throne,” is strong as death. With this affection for Darnley, a young and handsome man, and which, up to the moment of Rizzio's murder, had remained undiminished, where, we would ask, is the likelihood—*proof*, there certainly is none—of the queen's involving herself in a criminal intrigue with her secretary, an infirm, despised old man. There is a common error upon this subject, which supposes, or rather asserts, the assassination of Rizzio to have taken place in Mary's bed chamber ; and those who believe in her guilt, lay great stress upon this alleged circumstance, as furnishing strong presumptive evidence against her. The fact, however, is not so. The murder took place in a small closet or cabinet, where the conspirators, with Darnley at their head, found the queen at supper, in company with the Countess of Argyle, the Lord Robert Stewart, and the object of their murderous designs, the secretary of the queen, David Rizzio. Robertson and Scott both repudiate the idea of any thing criminal having taken place between Mary and her Italian *protégé*—for such he confessedly was, to the infinite credit of



the queen's goodness of heart. This man was in the confidence of Darnley himself—the lover of Mary, and, like all ardent lovers, prone to be jealous—forwarding a suit in favour of the latter, which, as Scott remarks, “would have proved fatal to his own influence if he had been the queen's paramour.” From these and other circumstances, “it seems almost impossible,” says Robertson, “that the queen, unless we suppose her a woman utterly abandoned, could carry on a criminal intrigue with Rizzio.”\* This vile charge against the honour of Mary, whose personal credit we conceive to be wholly unimpaired by any circumstances as proved against her, and her claims, consequently, upon the sympathy and admiration of posterity, undiminished—may now be looked upon as utterly exploded, and unworthy of further notice.

Matter far more difficult, because more contested, remains to be considered—the plot against the life of Darnley, and its sudden and fatal execution in the house of the Kirk-of-the-Field on the night of the 9th of February, 1567. We would remark that the supposition of Mary's being privy to this horrible assassination, is at open variance with the impressions which her whole previous conduct leaves upon the mind. There is not a shadow of direct evidence in its favour. To credit for an instant the idea of her remotest participation in the guilt of that infamous transaction, we must believe her to have been the most profound and accomplished of hypocrites, for did she not pass the evening with Darnley which immediately preceded, by a few hours only, his assassination? This was conduct such as we might readily credit, had it been ascribed to Elizabeth, instead of Mary—the characters of the two being the very antipodes of each other. Miserably credulous, indeed, or immeasurably malevolent must be that mind, which can give access, for a moment, to a suspicion of guilt like this, as attaching to the moral fame of the Queen of Scots. Yet has the belief of her criminality been admitted in the very face of immediately contemporary facts and circumstances, directly leading to the contrary conviction—setting aside the consideration so eminently due to what had been the tone and tenor of Mary's previous conduct to her most unworthy consort.

\* Those who maintain Mary's guilt with regard to Rizzio, reason pretty much after the manner of Henry IV. of France, who was told that James VI. delighted to be compared to another Solomon: “What!” replied the king, “and is he really the son of David?” (Rizzio.)—*Lives of Eminent Scotsmen*, Part iii. This admirable logic of the French king, reminds us of one of those fine observations founded on deep reflection, which so frequently arrest the attention in the pages of Madame de Staël: “Pleasantry,” she justly remarks, “finds expressions much sooner than thought; and in all that depends on words, only, we laugh before we reflect.”—*Ger.* vol. i. p. 215.

Was it not but just preceding the execution of Bothwell's fiendish plot, that the Queen rejected, promptly and indignantly, the proposition made to her by her infamous counsellors, for a divorce? If she desired to get rid of Darnley, here were fair and just means for effecting that object—yet she refused to avail herself of them. What is the inevitable inference? We repeat then that to admit the idea of Mary's guilt, in this matter, would be to reverse altogether that enchanting yet mournful picture of her personal character, which has furnished mingled admiration, compassion and regret to every ingenuous mind of modern times—filling it with emotions of absolute and unqualified love for the high and various virtues, not less than the surpassing charms of the illustrious and nearly faultless Queen of Scots. Bothwell was in favour with Mary, it is true, but no further so than as he had merited her gratitude by his loyalty as a subject and a servant of the crown. He opposed the conspirators who destroyed Rizzio—aided the Queen's flight from Edinburgh to Dunbar; and, further, supplied a portion of the military force with which Mary was enabled to march back to her capital, and drive into exile the murderers of her Secretary and her friend. Darnley, on the other hand—supposing the Queen to have ceased to feel for him that unfeigned love with which it is admitted, on all hands, she once regarded him—had his own insulting, unprincipled and outrageous conduct to thank for that alienation of his wife's affections which, it is believed by one or two writers, subsequently ensued—but of which, while it had only been natural, as the consequence of *his* conduct, we yet entertain some strong doubts—not being disposed to feel or *reason* upon this subject in accordance with the heartless views of what is called the "World." To the last, as we have said, Mary was on terms with her husband—though not on such terms, as, judging from her past love for him, we are warranted in believing she could have desired to be. She still sought his company; and, as we have seen, remained with him the whole of the evening which preceded the fatal execution of the plot of one who *hated* him. The only circumstance which leaves an unpleasant impression upon the mind, is, that Mary should have allowed her husband on their return to Edinburgh together, (January 31st,) to be quartered at the Kirk-of-Field, instead of assigning him apartments at the palace. Scott assigns the King's "illness" (he had been attacked by the small pox) as the reason why he was lodged at this place; but surely the reason is against, rather than in favour of, the course which was pursued—unless by "illness," it be meant that Darnley was still labouring under the attack of the small-pox, which

could hardly be the fact, as he managed to travel from Glasgow to Edinburgh, a distance of at least fifty miles. Supposing, however, the King's illness to have been occasioned by the above named disease, Mary, though not apprehensive for herself, having lived with him at Glasgow while labouring under its effects, might yet feel alarm on account of her child; and Darnley himself most probably concurred with her in thinking that it would not be safe to place their infant within reach of an infectious disease. One thing, at all events, seems certain, which is, that Darnley could not have been taken to the Kirk-of-Field against his inclination. There must have been a reason for his consenting to go there, and we can see no other or better than the one we have assigned. Sir Walter Scott, taking for granted at once Mary's love for Bothwell and hatred for her husband, remarks, (p. 132) that "revenge and love are great casuists,"—doubtless they are, but where, let us ask, was this "revenge" up to the moment of Darnley's death? Where was it during the whole course of that infamous conduct of which he had been guilty toward his wife and queen? Finally, where was this "revenge" at the time of Rizzio's murder? If, as we have remarked, Mary desired to be released from her matrimonial bonds with Darnley, by means fair or foul, is it in nature that she should have preferred, in the attainment of her end, the foul to the fair? According to the reasons assigned by Scott, we are, it seems, to believe that she did. The occasion which arose after the assassination of Mary's Secretary, was, of all others, the one of which she might most fairly and justly have availed herself, in order to be rid of a person so obnoxious to her as Darnley is alleged to have been, and as he certainly seemed desirous of making himself. But did the Queen avail herself of that occasion? So far from it, she allowed Ruthven, George Douglas, and the other "superior conspirators" to escape, *lest*—did she prosecute, as in justice she was bound to do, these high-born scoundrels—*they might have alleged in their defence that they had been led on by the King; and thus implicate her husband, Darnley.* Where, we repeat, was Mary's "revenge" at this most opportune moment for gratifying it? She pardons, or, at least, does not punish those noblemen who assisted in the murder of Rizzio, apprehensive that, did she do so, they might criminate the King—an act of injustice to the laws, though of love to Darnley—aggravated, in the former respect, by the execution of one or two obscure wretches, for appearance sake, who had been the mere hired creatures of the real assassins. Darnley might, as most assuredly he should, have forfeited his life to the laws of the land, as an ac-

complice, or, rather, instigator in the murder of a subject of the crown; and we cannot doubt would so have suffered, but for the intervention of Mary, who is, yet, represented, but a short time afterward, as meanly and treacherously conniving at the assassination of the very individual whose life she had been the unjust means of saving, only a few months before—the murder of Rizzio occurring in March, and that of Darnley in the ensuing January. And yet Sir Walter Scott scruples not to say, “Supposing Mary to foresee Darnley’s death without endeavouring to prevent it, she might seek to justify her *conduct to herself*, by considering that by Darnley’s accession to the murder of her servant in her own presence, he deserved death.” (p. 132.)—Did Mary doubt that Darnley “deserved death for the murder of her servant in her presence,” at the time of the murder? Darnley deserved death *then*—the laws demanded his life—but Mary violates these laws in saving him—those very laws which, but a little while afterward, she violates, to an incalculably greater degree, in destroying him—or, which is pretty much the same thing, in permitting his destruction—supposing her to have foreseen it—which is inevitably implied in her alleged privity to Bothwell’s plot against the life of her husband. Is there either nature or reason in this? No one can for a moment believe it. But we shall probably be told—and, indeed, Sir Walter Scott says as much—that “love” came in aid of the feeling of “revenge,” and consummated that work of death, which the mere recollection of Darnley’s participation in the Rizzio tragedy, or even Mary’s own personal causes of dislike for him, would not in themselves have been sufficient to induce her to undertake. But when, where, or how, was this imputed “love” evinced? We candidly confess that we have looked in vain—not in the pages of Mr. Bell alone—for the proofs or traces of that *affection* which Mary is by many believed to have entertained for the gross, insolent, and licentious Lord High Admiral of Scotland. Bothwell possessed no qualities, either of mind or person, calculated to win for him the special favours of a woman of Mary’s refined feelings and elevated character. In this respect, if in no other, Darnley had a decided advantage over him. As a subject, no matter from what motives, he had been faithful, among the faithless, to Mary—this entitled him to her gratitude; but as a man, as the Earl of Bothwell, it is in vain to seek for tokens, or traces of the Queen’s partiality for him. The only direct testimony that was ever adduced, as tending to establish the guilt of Mary—the contents of the “silver box,” as set forth by the treacherous Earl of Murray—the son-

nets, love-letters, contracts, &c. alleged to have passed between Mary and Bothwell, during the life time of the murdered Darnley—this, the only plausible or positive evidence which her enemies—with Elizabeth at their head—were ever enabled, with all their settled hatred and malignant zeal, to procure against the Queen of Scots, has been almost universally impeached as forged and false. Documents thus condemned as spurious, ought surely to be no longer appealed to, as furnishing matter of crimination against Mary. That Bothwell, as a faithful public servant, was in favour with his sovereign, has never been denied; it redounds to Mary's honour that he was so, for the gratitude of kings is by no means proverbial; but, we repeat, there is no solitary fact, at this moment on record, tending, in the remotest manner, to evince, that, in the rewards which this feeling of gratitude on the part of the Queen—and seldom, indeed, had she cause for the exercise of this virtue—led her to bestow upon one who, however false to others, had been faithful at least to her—there was any admixture of the personal sentiments or emotions of the woman. Guilty and debased as was Bothwell, he seems never to have lost sight of the allegiance due to his queen; and though capable of plotting and compassing the ruin of others, it may, perhaps, not undeservedly be said, that

His treachery was truth to *her*.

Acquit Mary, then, of having shared, either by connivance or accession, in the guilt and shame of her husband's murder, and her marriage, not long after, with his murderer, ceases to furnish that additional proof of her criminality, which, connected, as it was, with the belief, at the time, of her having been deeply involved, in the first instance, it very naturally carried along with it. Upon the former point, in dispute, we hesitate not to say, that our opinion is entirely made up; and we would indulge the hope that what we have been enabled to advance upon this subject, the result of a close and impartial investigation of the matter, may have some little effect in disabusing the judgment of those of our readers who may have enlisted on the side of Mary's accusers, of the prejudices and prepossessions which the calumnies of her enemies, artfully insinuated in some instances, and openly proclaimed in others, were so eminently calculated to instil into their minds. We repeat, that, apart from the belief of the Queen's accession to the murder of Darnley, there is little, if any thing, in the subsequent marriage with Bothwell, which calls for that unsparing moral reprehension with which it has been visited. Setting aside the

circumstance, alleged by Scott, as extenuating, in connexion with one or two others, this memorable, and, certainly, most melancholy marriage—which, in spite of Mary's innocence, could never have been made in Heaven—that the Queen's "reputation, having suffered from being for several days in the hands of a man so audacious and uncontrollable as Bothwell, she was thereby placed in a position which rendered her marrying him an act of necessity, rather than choice"—setting this circumstance aside, we say, we might ask, what posthumous claim, either upon the gratitude or common respect of Mary, could *he* have had, who, in his life time, had forfeited *every* claim upon either? The delicacy, the propriety, in a moral point of view, of the marriage, is one thing—we are not advocating this—but we do contend that the marriage itself furnishes no conclusive subsequent proof of Mary's having been originally accessory to the murder of Darnley. The evidence of this, under the circumstances of the case, which grew out of those of the times, should, in order to be safe and veritable as evidence, have related to what *preceded*, and not to what followed the death of the Queen's husband. Had this been the fact, which, as we think, it was very far from being, we should have been not unwilling to judge of Mary's conduct by those "effects" of which Robertson so complacently discourses; and which has been as justly ridiculed and indignantly commented upon by Mr. Bell. But we cannot permit ourselves to take for granted, as does the Scottish historian of whom we speak, that which first requires to be proved; and then proceed to deduce from it certain conclusions of our own, which we technically style "effects." It is an old, and certainly safe rule, that premises should be fairly and firmly established, before inferences are attempted to be drawn from them. If your premises are false, your conclusions, it is generally understood, go for nothing. Apply this rule in the instance of Mary's marriage with Bothwell, and we think her character and conduct may fearlessly be left to abide by it. The alleged *collusion*, in the first instance, is not proved—the subsequent act, therefore, criminally speaking, furnishes no inculpatory evidence against the Queen. Where, then, is the guilt? Admit that she was convinced of Bothwell's share in the "deep damnation of the taking off"—what then? Why, a respectable female under ordinary circumstances in private life, although her husband might have been a wretch, would not be likely, we concede, to bestow her hand upon a man stained, or supposed to be stained with the blood of her "precedent lord"—but it is a homely, yet sound remark, that circumstances

alter cases. Now, what were the circumstances of Mary's situation? Were they such as allowed her either to make or to be guided by those trite and cheap reflections which have been so well denominated the "suggestions of a mind at ease." Were they such as to furnish her with choice or alternative, in the course which lay before her—the path, though "shadows, clouds and darkness rested upon it," which she had to tread? Not so—the very reverse was the fact. Mary had been pushed to extremity—she was a desperate woman. In every way environed, she literally knew not where to turn. As a subject, Bothwell at least had been faithful—there was no positive proof of his guilt—he had been acquitted—but, even had he been guilty, whom had he destroyed? One of the vilest and the worst of men—a wretch who had conspired literally against the life of her who was at once his wife and sovereign.

But we have not yet done with the supposed prior collusion in the murder of Darnley. The attempt of several Scottish historians, to prove the existence, on the part of the Queen, of a previous passion for Bothwell, has, as we have said, utterly failed; and is but one more instance on record, of the unsparing malignity with which Mary has been persecuted by her enemies of Church and State. Darnley's death was, in fact, the result of a plot, conceived long before its execution, which Bothwell, in conjunction with several other unprincipled but aspiring noblemen, had formed to get rid of one whom, for various reasons, they all hated; and of whom they were jealous. The first step in that career of desperate ambition which Bothwell was prepared to run, at any and every hazard, was, as we have seen, the proposal to Mary of a divorce, made to her by her Privy Council, at the investigation of Bothwell himself, who was then, says Mr. Bell, "an active cabinet minister and officer of state." This proposal, as it has been shown, Mary instantly and indignantly rejected. Her feelings, at this trying period, are thus touchingly described by Keith: "Sir James Melville heard her casting great sighs, and saw that she would not eat for no persuasion that my Lords of Murray and Mar could make her." "She is in the hands of the physicians, and is not at all well. I believe the principal part of her disease to consist in a deep grief and sorrow which it seems impossible to make her forget. She is continually exclaiming, 'Would I were dead!'"\* "But, alas!" says Melville, "she had over ill company about her; the Earl Bothwell had a mark of his own at which he shot."† Had Mary really conceived a criminal passion for this person, as her enemies allege, would she not most readily have acceded

\* Keith, Preface, p. vii.

† Melville's Memoirs, p. 170.

to a proposal which had for its immediate object to free her from all connexion with Darnley, and thus prepare the way for a closer union with her supposed lover? Mr. Bell, at least, is of this opinion, and so too is Miss Benger, whose words we cannot do better than quote here:\* "It is difficult to develop the motives of Mary's refusal. Had she secretly loved Bothwell, she would probably have embraced the means of liberty; and had she already embarked in a criminal intrigue, she would not have resisted the persuasions of her paramour. If, influenced alone by vindictive feelings, she sought her husband's life, she must have been sensible that, when the nuptial tie was dissolved, he would be more easily assailable. Why then, did she recoil from the proposal, unless she feared to compromise herself by endangering Darnley's safety, or that some sentiment of affection still lingered in her heart."\*

Blackwood, in his *Martyre de Marie*, "mentions," says Mr. Bell, "that Mary upon this occasion, told her nobility that 'her husband was yet young, and might be brought back to the right path, having left it principally in consequence of the bad advice of those who were no less his enemies than hers.'" "This answer," adds Blackwood, "was far from being agreeable to the Lords, proving to them that her Majesty's present estrangement from her husband was more from the necessity of the times, than because she had ceased to love him." Mr. Bell sets forth, amply and conclusively, the causes which constrained the marriage with Bothwell; and yet this marriage, it has been weakly contended, furnishes the most convincing proof of Mary's participation in the guilt of Darnley's murder. This is, indeed, to judge of the Queen's conduct by its "effects!" It is the most illogical piece of reasoning that we ever chanced to meet with. First prove Mary's accession in the murder of her husband, and then we can readily understand how it was that she should have married his murderer. Without this indispensable prior conviction, to insist upon the marriage as proving the murder, is to be guilty of an insulting absurdity. Scott represents the Queen as giving directions to Paris, one of the servants of her household, to deliver up to Bothwell the keys of the King's lodgings of the Kirk-of-Field, but without naming, or referring us to any authority for this statement. Now what are the facts? Paris, as the queen's valet de chambre, necessarily kept the keys of the room in which she slept, as she frequently did, when on a visit to her husband at the Kirk-of-Field. Scott speaks of Paris as one of the queen's



household. Mr. Bell tells us that he was the queen's valet de chambre. Now, as valet de chambre, Paris was necessarily one of the queen's household, but as a servant of her household, he was not necessarily her valet de chambre. It is of some importance to observe this—as, in the latter capacity, Paris must needs have kept, and Mr. Bell tells us, *did keep* the keys of the queen's room at the Kirk-of-Field; but, merely as a servant of her household, it would be necessary to show how he came possessed of these keys. This Paris, then, was either the queen's valet de chambre, or he was not—though a servant of her household—if he was, and that he was, we have the very respectable authority of Mr. Bell, how did Sir Walter Scott come to overlook the fact? He could not allege, as a reason for doing so, that the circumstance was immaterial in itself, for the reader must at once perceive its importance. Indeed, Scott himself lays great stress upon it, as being in his own words, “distinctly probative of the Queen's knowledge of the murder, before the fact.” And would not this be the almost inevitable conclusion at which we should arrive, but that the ground on which it is made to rest, is by no means a clearly established one—or, rather, that the delivering up of the keys to Bothwell, when insisted on as a proof of Mary's knowledge of the intended murder, must be shown to have been by her orders, which can be done only by showing, in the first instance, that the person who so delivered them, could not have delivered them otherwise than by the Queen's orders, which, undoubtedly must have been the case, had Paris, through whose hands the keys passed, been a mere servant of Mary's household, as Scott represents him; but as her valet de chambre, as the immediate personal attendant of the Queen, he must necessarily have had the keeping of the keys; and being concerned with Bothwell in the plot against Darnley, does it require to be shown how the latter should have gained admission to the queen's room—for it was in this room, under Darnley's, that the powder was deposited—at the Kirk-of-Field?

It may be proper to remark, that Mr. Bell's “*Life*,” is subsequent to Scott's “*History* ;” and that, while he gives you *his authorities* for all the prominent and more important facts contained in his two volumes, he also assigns, with a frankness and candour highly honourable to him, both as a man and an historian—his reasons for the inferences which he deduces from them; and in this way—deposing to nothing, himself, which he does not thoroughly understand, and for which he cannot allege the most rational and probable grounds—he has ably and amply sustained that verdict of acquittal which he has, with so much

credit to his integrity and talent, finally succeeded in rendering in for his illustrious client in a cause more deeply, more painfully interesting, than, perhaps, any similar suit of which the historical docket bears record—a cause involving at once the good name of Mary, “the immediate jewel of her soul,”—her honour as a woman and a wife, and her reputation as a queen. We cannot say as much for that portion of Sir Walter Scott’s “History,” which relates to Mary. Though he evidently inclines, in the main, to the side most favourable to her character, he yet withholds any direct opinion of his own upon some of the most vital points in the controversy, preferring, it would seem, in the very spirit of a certain philosophical sect of old, *rather to doubt, than affirm*.

We have now arrived at that portion of Mary’s history more immediately associated with the acts of Elizabeth, who, if she was a great sovereign, was a bad woman. Her whole conduct to the Queen of Scots, from first to last, was marked by every trait which could characterize a moral turpitude the most infamous, odious and revolting.\* Her first act in that diabolical tragedy which ended with the death of Mary, indicated but too well the nature of those that were to follow. When, notwithstanding her mean and selfish aversion to the bare idea of Mary’s marrying—the various efforts which she had made to prevent, if possible, the Queen of Scots from enjoying those inatrimonial privileges and pleasures which were forever denied to herself—when, notwithstanding this, she found that Mary was about to unite herself to Darnley, she at once proceeded to play the part of the hypocrite and false friend. She secretly advised Mary to invite the Earl of Lennox, Darnley’s father, into Scot-

\* Yet was this woman considered the wonder and the glory of her age, whom Gray describes as a “form divine,”

With awe-commanding face,  
Attempered sweet to virgin grace;

And in reference to whom, Spencer plaintively asks,

Tell me, have ye seen her angel-like face,  
Like Pœbe faire?

The displeasure of this “fair Vestal throned in the west,” as Shakspeare also styles her, happening to be incurred, on some occasion, by Sir Walter Raleigh, led to the following ludicrous lamentation from the pen of the gallant Knight: “My heart was never broken till this day, that I hear the Queen goes away so far off, whom I have followed so many years with so great love and desire in so many journeys, and am now left behind in a dark prison all alone.” “I, that was wont to behold her riding like Alexander, hunting like Diana, walking like Venus, the gentle wind blowing her fair hair about her pure cheeks like a nymph, sitting in the shade like a goddess, singing like an angel,” &c. This “Venus,” as Hume remarks, was full sixty years old! Vol. v.

land—to reverse his attainder, and to restore him to his honours and fortune. No sooner, however, was the request complied with, than she scrupled not—with the view of preserving the friendship of the Hamiltons, by whom Lennox had been banished from Scotland—openly to blame the conduct of the Queen of Scots. When she found that negotiations were on foot for advancing the marriage with Darnley, she gave the latter leave to follow his father into Scotland; but the moment she learnt that Mary was pleased with the manners and person of the son of the Earl of Lennox, and that his suit, therefore, was likely to prove successful, she exclaimed and protested against the marriage—sent Throckmorton to order Darnley immediately, upon his allegiance, to return to England—threw the Countess of Lennox into prison—seized all the Earl's English estate—“and though,” says Hume, “it was impossible for her to allege one single reason for displeasure, she menaced, protested and complained, as if she had suffered the most grievous injury in the world.” (Vol. v. p. 87.)

This, as we have said, was the prelude to those disasters which were in reserve for the Queen of Scots, at the hands, not merely of her “good sister” of England, but of the Reformers in Scotland, roused by the Queen's marriage with a Catholic—together with Mary's principal nobility, who were as profligate as they were ambitious. Placed, literally, between the whirlpool and the rock, the fortunes of the hapless and unoffending Mary, were destined to inevitable shipwreck and irretrievable ruin. To avoid giving cause of offence to Elizabeth, she abstained from entering, by marriage—as she might easily have done, having numerous princely suitors in Europe—into any foreign alliance; and bestowed her hand upon a subject of England, which she had no sooner done than the Scottish Reformers flew to arms, because the family of Lennox was believed to adhere to the Catholic faith.\*

Having already dwelt at large upon the murder of Darnley, and the subsequent marriage with Bothwell, we are now, at length, brought to that stage in the affairs of Mary to which those events so immediately and rapidly conduced, and which constituted the very crisis in her destiny—the ill-advised and ill-starred flight into England!† Nothing could have been more

\* Cardinal Beaton, who obliged the Regent Arran to renounce the principles of the Reformation, must be considered as the author of those evils which this apostasy is believed to have entailed upon the Stewart family, of which Mary was now the sole representative.

† It is a little remarkable that two of the most distinguished Crowned heads of modern times—distinguished, the one for her misfortunes, and the other at once for his genius and ambition—should have sought refuge in Britain from the storm

injudicious, or more desperate! Up to this fatal moment, Mary, though distracted in her councils—wounded in her affections—in every way embarrassed—wrought upon and “perplexed in the extreme”—might yet have rallied her forces and ascertained her strength—

What re-enforcement she might gain from hope,  
If not, what resolution from despair!

but when, after the defeat at Langside, she resolved upon taking a southerly direction—the Genius of Britain not appearing to *warn* her, as did that of Rome to awe and threaten Cæsar—then it was that from her and to her,

Hope withering fled, and Mercy sighed farewell!

The reasons assigned by Mary for not placing herself under the protection of France, as Lord Herries so strenuously advised her to do, were not such as accorded with the usual tenor of her fine feelings and superior mind. It had been far better that she should have returned a fugitive to France, which she had left as a queen, than have sought, as a suppliant, the protection of Elizabeth, whom she had once braved by assuming the armorial bearings of England; and as to “exasperating her own *subjects* by seeking an asylum among Catholics,” Mary seems to have forgotten that she had formally abdicated her throne—resigned her crown—she had no “subjects” to offend, therefore; while, with regard to “displeasing” Elizabeth, a little reflection might have convinced her of the futility and forlornness of the hope that Elizabeth would under any circumstances, have *assisted* her in an attempt at regaining possession of her kingdom—of what consequence to her, then, could have been the English Queen’s “displeasure”? Mary, in this instance, neither felt nor reasoned as she should have done; and it is a little extraordinary that both her feelings and understanding should have been most at fault at a time which demanded their fullest exertion and least clouded apprehension. But it is a trite remark, that fine minds rarely commit common blunders—when such minds err, they err fatally—and it was so with Mary. The step once taken, however, upon what pretext, or with what shadow of possible right, could Elizabeth pre-

which impended over them; and it is certainly not very creditable to the English annals, that they should have been doomed to exchange that protection upon which they had thrown themselves, the one for a cruel and ignominious death; and the other for a no less treacherous, though less sanguinary grave. Mary and Napoleon were both betrayed.

sume, upon Mary's arrival in her kingdom, to constitute herself her judge—an umpire between the Queen of Scots and the treacherous regent, Murray? Mary, in marrying Bothwell, had offended her subjects, whom, however, and with good reason, she styled “traitors”—nevertheless, she resigned the regal authority—abdicated her throne—and, unable to live where she no longer reigned, abandoned Scotland, and sought, as she hoped, an asylum in the South. What was her crime—what had she done? Was she to be *tried*? Wherefore, and by whom? The answer to these questions is inevitable, and one—*might* became *right* in the hands of her, who, as she had once envied the beautiful and accomplished Mary, so afterward hated, in her political rival, the former object of her personal jealousy; and this object, whom, by a natural transition of feeling, she came at length to regard as her most dangerous enemy, was now in her power—Mary was her *prisoner*! We have here in a few words summed up the secret of those extraordinary, unprecedented and atrocious measures against the reputation and the life of the Queen of Scots, which Elizabeth—fertile in expedients, always, subtle and violent in temper herself, and aided and encouraged by her mercenary abettors and advisers, the most unprincipled set of ministers, as they were the most ambitious, that ever disgraced the political annals of Great-Britain—proceeded instantly to enter upon, on the arrival of the ill-fated Mary in her dominions. This was “great news,” indeed!—and we can readily picture to ourselves Elizabeth, alone in her palace, giving inaudible utterance to the kindred and congenial language of the royal murderess in the play:

The raven himself is hoarse,  
That croaks the fatal entrance of Duncan  
Under my battlements. Come, come, you spirits  
That tend on mortal thoughts, unsex me here;  
And fill me, from the crown to the toe, top-full  
Of direst cruelty! make thick my blood,  
Stop up the access and passage to remorse;  
That no compunctious visitings of nature  
Shake my fell purpose, nor keep peace between  
The effect, and it! Come to my woman's breasts,  
And take my milk for gall, you murdering ministers,  
Wherever in your sightless substances  
You wait on nature's mischief! Come, thick night,  
And pall thee in the dunnest smoke of hell!  
That my keen knife see not the wound it makes;  
Nor heaven peep through the blanket of the dark,  
To cry, *Hold, Hold!*

Without going over the long, tissue, and offensive detail of the privations, persecutions and ignominies which Mary was doomed to undergo during her nineteen years imprisonment in England, and which she bore with a mild yet firm fortitude, a heroism and queen-like dignity worthy of her illustrious descent and of herself—without tracing her sad steps—who had, literally, “no rest for the soles of her feet”—from house to house, which was only from prison to prison—without watching that gradual transition, by slow stages, from comparative personal ease and comfort, to privation—and from privation almost to want, with its attendant mortifications—and from these, at last, to utter gloom!—we shall pass—though not without an involuntary sigh to the memory of Mary, and, we must be pardoned for adding, a curse, “not loud but deep,” upon that of her murderers—to the letter addressed by the Queen of Scots to Elizabeth, upon discovering, in the words of Mr. Bell, the “insidious policy of the latter,” against which Mary openly protested. It is as follows:

“Madam, my good sister, I came into your dominions to ask your assistance, and not to save my life. Scotland and the world have not renounced me. I was conscious of innocence; I was disposed to lay all my transactions before you; and I was willing to do you honour by making you the restorer of a Queen. But you have afforded me no aid and no consolation. You even deny me admittance to your presence.\* I escaped from a prison, and I am again a captive. Can it expose you to censure to hear the complaints of the unfortunate? You received my bastard brother when he was in open rebellion; I am a princess and your equal, and you refuse me this indulgence. Permit me then, to leave your dominions. Your severity encourages my enemies, intimidates my friends, and is most cruelly destructive to my interests. You keep me in fetters and allow my enemies to conquer my realm. I am defenceless and they enjoy my authority, possess themselves of my revenue, and hold out to me the points of their swords. In the miserable condition to which I am reduced, you invite them to accuse me. Is it too small a misfortune for me to lose my kingdom? Must I also be robbed of my integrity and my reputation? Excuse me if I speak

\* Elizabeth's resolute refusal to grant Mary an interview when a captive and in her power, is strikingly contrasted with her anxiety to see the beautiful Queen of Scots, when sitting in all the plenitude of her sovereign sway and lustre of her charms upon the throne of Scotland. Elizabeth was determined on postponing and declining all Mary's pleadings for an interview; and at length hardly deigned to return any answer to her solicitations upon the subject. It was but a few years before this sad change in the fortunes of Mary, that Sir James Melville, the then Scottish ambassador at the English court, proposed in a tone of jocular raillery that Elizabeth should disguise herself as his page and ride down to Scotland, *merely to see his mistress*—“to which,” says Scott, “willingly accepting the compliment, she replied, ‘Would to heaven she might do so!’” “It is curious,” says the same author, “to compare the behaviour of individuals to each other in sunshine and shower, in good fortune and adversity.” p. 229.

without dissimulation. In your dominions I will not answer to their calumnies and criminations. To you, in a personal conference, I shall at all times be ready to justify my conduct; but to sink myself into a level with my rebellious subjects, and to be a party in a suit or trial with them, is an indignity so vile that I can never submit to it. *I can die, but I cannot meet dishonour.* Consult, I conjure you, what is right and proper, and entitle yourself to my warmest gratitude; or if you are inclined not to know me as a sister and to withhold your kindness, *abstain, at least, from rigour and injustice.* Be neither my enemy nor my friend, preserve yourself in the coldness of neutrality, and let me be indebted to other princes for my re-establishment in my kingdom." Vol. ii. pp. 138-9.

Could we picture to ourselves the secret but assured joy of the savage, pausing, with his tomahawk in hand, to witness, not to heed, the writhings of his victim fettered at the stake; or could we imagine the delighted contortions of a fiend at the pleadings and supplications of the damned, we might then be able to form some faint idea of what must have been the feelings of Elizabeth, that "she-wolf" of England, on reading the above letter. The indignant, yet highly dignified tone which pervades it—the sense of deep injury, yet that pride of the queen and spirit of the woman which breathe through it, were exactly the circumstances most calculated to give zest to the malignity of Mary's "good sister"—as the ferocity of the fiercer beasts of prey is known to redouble with the struggles of their victims. We hesitate not to say that the disgusting cant and consummate dissimulation—the unmeasured hypocrisy and atrocious injustice, together with the cruelty, scarcely human in its character and extent, which marked from beginning to end the conduct of Elizabeth towards her illustrious and most ill fated relative and co-equal, the Queen of Scots—are, collectively considered, without parallel in the criminal records of nations.

There have been those who from the high ship's side,  
Have whelmed their enemy in the flashing deep,  
But who hath watched to see the struggling hands,  
And hear the sobs of death?

'The most offensive picture of manners gross and overbearing—of mind brazed and brutalized by familiarity with some of the worst passions of the worst portion of the creation—the most sickening, the most infamous example of a daring and desperate career of black-hearted turpitude—of mingled and unmeasured injustice and insult—and of a diabolical, uncompromising, unmitigated spirit of *revenge*, which the annals of human depravity—bloodstained and blackened as they are—

will be found, after the most diligent and laborious research into its dark and dismal pages, to exhibit, to strike with horror and awe into mute amazement the mind of christian man—this picture and this example, we scruple not to assert, are portrayed and set forth more fully, unequivocally and elaborately in the measures prosecuted by Elizabeth against the Queen of Scots, than in the sovereign and despotic acts of any other tyrant, whether of ancient or of modern times, however mean or merciless, who ever craved or cursed a throne.

In contemplating the situation to which Mary was subjected through the *fears*, the hatred and the malice of Elizabeth, during the nineteen years of her imprisonment in England, the mind shrinks back incensed, indignant and appalled! No engine of torment was left unplied—petty insults came in aid of open and deliberate persecution—the thousand ways and means by which the spirit may be broken—the mind, though indignant to the last, saddened and subdued—and the heart forced to suppress its “climbing sorrow,” and say to it, with the poor old King in the play,

Thy element's below,

these were the aids and appliances to which Elizabeth had recourse in order to insure the degradation, and, in the end, the death of her victim!

It may be remarked that the sources from which many of the misfortunes of Mary flowed, were calculated to impart to them peculiar bitterness and poignancy. Her principal accuser before Elizabeth, upon the commission appointed to try the Queen, was her brother, the Regent Murray. The almost unparalleled baseness of his conduct to Mary, on that occasion, is rendered absolutely atrocious from the fact, now pretty well established, that the very testimony by which he sought to implicate his sister, was *forged* for the express purpose of criminating her! What was the treatment which the Queen received at the hands of her own son and only child, James II? It was but just after a spirited and maternal remonstrance addressed to Elizabeth in behalf of James, who had fallen into the hands of his insurgent nobility, that Mary received a letter from her unnatural son, in which he informed her of his “determination not to connect either his interest or his title with hers.” (Scott, p. 234.) A garment embroidered with her own hands, while in prison, and sent, together with the few jewels she was allowed to retain, as a present to James, were unfeelingly and insultingly returned, because addressed to the Prince of Scotland, and not the King—Mary hesitating to acknow-



ledge, in the person of her son, that title the existence of which, in the words of Scott, "was held inconsistent with *her* reputation, as well as rights." (p. 233.) The advice and measures even of Mary's friends—if she can with truth be said to have had any—resulted in disaster to her. The proposed match between the Scottish Queen and the Duke of Norfolk, which originated with Maitland, and which had professedly for its object, the interests of Mary, ended only in additional misfortune to her—having imparted, as was to be expected so soon as the plot should be discovered, increased jealousy, hatred and suspicion to the mind of Elizabeth against the Queen—then her captive, and in her power.

Whilst a miserable and contemptible farce, in the form of prayers for the safety of Mary, was going on under the very eyes of James, in his own capital, his mother was permitted to languish in captivity in England—a captivity from which death alone was destined to release her—her pusillanimous son having no relish for arms, and preferring, to the more manly and dutiful course of attempting her rescue from the fangs of Elizabeth, *that she should be remembered in the prayers of his clergy at home!* That James might easily have raised a force in Scotland sufficient to arrest the bloody tyranny of the English Queen, and thereby have saved the life of his mother, has never, we believe, been doubted. So far, however, from taking such a step, sanctioned, as it would have been, nay, dictated as it was, by the most sacred laws of God and man—many historians are of opinion that the Master of Gray, who, in conjunction with Sir James Melville, had been dispatched by the King to Elizabeth, to *remonstrate* against any violence she might design toward the person of Mary—had secret instructions from James of an *opposite character*. It seems nearly certain that the line of conduct pursued by the Scottish envoy, if not expressly authorized by James, was, at least, regarded by his emissary as not likely to incur the displeasure of his royal master—else would he have ventured upon those "double-dealing intrigues" which we are told he carried on at the English court, and which he took care to conceal from Melville, whom he knew to be an honest man, and faithfully attached to the cause and person of the Queen of Scots? The memory of James VI. stands forever blotted with this horrible suspicion—tending to render that name odious, which else had only been contemptible.

The following account of the means that were resorted to by Elizabeth, in order to obtain possession of such evidence as might implicate Mary in the schemes of Babington, a roman-

tic, but hair-brained Catholic, who, in concert with a few others, had undertaken to liberate the Queen, may furnish some idea of the violence and cruel injustice with which the helpless and hopeless Mary was uniformly treated during her imprisonment in England. Sir Thomas Gorges had been dispatched to Chartley, where the Queen was then confined, to obtain, if possible, criminatory documents against her. It was managed that he should arrive at Chartley at the moment when the Royal prisoner was going out on horseback,\* for the purpose, it was alleged, of amusing her with the views of some gentlemen's seats in the neighbourhood. During her absence, her secretaries were separately arrested and committed to different keepers: her money was seized upon, her cabinets forced open, her papers and correspondence and all she could desire to keep most private, were made prize of, and sent to Elizabeth. The grief and indignation of Mary, when she returned to Chartley, may be better imagined than described: "Alas," said she to the poor persons who crowded around, expecting an alms as usual, "I can no longer relieve your wants: I am a beggar as you are:" and when she found the extent to which she had been robbed, she indignantly remarked. "Of two things they cannot deprive me, my birth and my religion." We know of few things more affecting than the tone of mingled grief and indignation which marks the ensuing passage in a letter written by Mary to the King of France, upon the receipt of an undutiful and insolent epistle which James had the ingratitude, the cowardice and meanness to address to his captive and unhappy mother, informing her of his determination in no way to connect his interest or title with hers: "And am I thus requited," asked the mournful and unfortunate Mary, "for all I have done and all I have suffered for this ungrateful boy? God knows I envy him not the kingdom which he possesses, nor did I ever wish to visit Scotland more, unless for the purpose of seeing him and blessing him. But let him beware how he

\* It may not be amiss to remark, that Scott's and Bell's in the account which they respectively give of Sir Thomas Gorges' visit to Chartley, are singularly at variance with each other, in one or two particulars. Scott represents Mary as going out on horseback, at the moment of Sir Thomas's arrival: while Mr. Bell states that she was about to ride out in a wheeled carriage! But it is important to note the different language attributed to Mary, by those writers, in reference to the "plunder" she had sustained at Chartley: "Of two things," she is made to say, according to Scott, "they cannot deprive me—my *English blood* and my Catholic faith"—(p. 254-5.) Agreeably to Mr. Bell, the Queen's words were, "There are two things, however, which they cannot take away—my birth and my religion."—(p. 187, vol. ii.) These are not the only instances which we might adduce from the two works before us, as illustrative of the admirable accuracy of modern history.

'prosecutes the ungenerous and ungrateful course upon which he has entered, lest I bestow upon him a parent's curse.' And never did child more amply merit such a legacy! nor ever had parent profounder cause to exclaim,

Ingratitude! thou marble-hearted fiend,  
More hideous, when thou show'st thee in a child,  
Than the sea-monster!

And yet Mary, when about to die, with that mother's love which dies only with a mother's death—charges Sir James Melville to be loyal to her son—that son whose loyalty to her slumbered so profoundly at a time when, if shown at all, it should have been shown most. We are now approaching the painful close of Mary's earthly pilgrimage:

"The Queen," says Scott, "wrote a remarkable letter to Elizabeth, dated on the 19th of December, in which she disavowed all hostile feelings, and thanked God for the sentence which promised a period to her lamentable captivity. The doomed princess then made, in gentle yet solicitous terms, one or two requests which she entreated Elizabeth to take into her private and personal consideration, as she expected little favour, she said, from the zealous puritans with whom the English council was filled. First, she desired her body might be transported to France, where her mother's soul rested in peace. In Scotland, she said, the sepulchres of her ancestors were overthrown and violated: in England she could not have the advantage of the ceremonies of her religion, and she desired to be laid where her spirit might be propitiated with Catholic rites, and her body might have that repose which while living it never enjoyed. Secondly, she besought that she might not be put to death by any private means or without Elizabeth's knowledge; and that her servants might have an opportunity of observing her final departure. This fear of private murder she was observed to entertain, since all looked so black and menacing around her; and the mind shrinks from a fate which has so much uncertainty in time, place and circumstances. Lastly, Mary desired her servants might be permitted to depart in peace and freedom, and with permission to enjoy those legacies which she should bequeath to them by her latest will. These things she entreated of her kinswoman in the name of the Redeemer, by their near kindred, by the soul and memory of Henry the Seventh, their common progenitor, and in the name of those common decencies which even persons of the most common rank generally observe towards each other. She concluded by soliciting a line or two of answer in the hand of Elizabeth herself. To this affecting letter, Elizabeth made no reply, not even to assure her kinswoman that her life was safe, but from the meditated stroke of the law." p. 264-5.

To Elizabeth, then, that royal tigress who couched her on the throne of England, thirsting for the blood of an innocent and helpless victim whom she was prepared to spring upon and

devour, let us apply that withering and exterminating imprecation which the most transcendent genius of the age, standing as it were, in the very grove of the Furies, in the extremity of his griefs and the desperation of his wrongs, called down upon the head of one who, had

Put rancours in the vessel of his peace,  
and who would willingly his "eternal jewel" have

Given to the common enemy of man:

Let us antedate this terrible curse, and suppose it to have been invoked by some "master spirit of the times," who touched by the woes and roused by the injuries of the poor Queen of Scots, directed the thunders of his indignation and his wrath against that infamous "pride of place" from which the royal murderess of Mary Stuart was permitted to hurl defiance in the face of an horror-struck world, and its abused—its insulted humanity!

O wretch! without a tear—without a thought,  
Save joy above the ruin thou hast wrought—  
The time shall come, nor long remote, when thou  
Shalt feel far more than thou inflictest now;  
Feel for thy vile self-loving self in vain,  
And turn thee howling in unpitied pain.  
May the strong curse of crushed affections light  
Back on thy bosom with reflected blight!  
And make thee, in thy leprosy of mind,  
As loathsome to thyself as to mankind!  
Till all thy self-thoughts curdle into hate  
Black as thy will for others would create:  
Till thy hard heart be calcined into dust,  
And thy soul welter in its hideous crust:  
O may thy grave be sleepless as the bed,  
The 'prisoned' couch of fire which thou hast spread!  
Then when thou fain would'st weary heaven with prayer,  
Look on thy earthly victims, and despair!  
Down to the dust! and as thou rott'st away,  
E'en worms shall perish on thy poisonous clay!

The very death, by secret means, which it has been seen Mary so much dreaded, was the one designed for her by the atrocious tyrant who held her in her grasp. A letter, dictated by Elizabeth, and subscribed by one of her ministers, Walsingham, and also by one of her principal secretaries, Davidson, was dismissed addressed to Sir Amias Paulet and Sir Drew Drury, in whose joint custody Mary then was, recommending them to dispatch the Queen privately, in token of their loyalty to Elizabeth, and regard for her feelings! For the credit of

humanity, the advice contained in this memorable letter, was neither accepted nor acted upon by those to whom it was so graciously and obligingly tendered. The words of Sir Amias Paulet are worth transcribing, as being but little in accordance with the accustomed language and sentiments of the men of that blood-stained age: "God forbid," he exclaimed, "that I should make so foul a shipwreck of my conscience, or leave so great a blot to my posterity, as shed blood without law or warrant." (Scott, p. 276.)

The condition on which alone one or two of the servants of Mary were permitted to attend at her execution, was that the Queen should *pledge herself that "her maidens should not disturb the scene with their cries."* The "marble-hearted fiend" who, thus, without even the colour of law or reason, butchered her victim—after nineteen years meditating her death—acted only with a due regard to consistency of character, in requiring that those who could not save, should not be permitted to mourn the object of their affections—but to make Mary herself give this pledge—to make *her*, who was about to die, *promise that her friends should not grieve at her death*—to make *her*, the sources of whose sorrow, if not wholly dried up, had yet long ceased to find the accustomed vents—to make *her* whose regret, like the everflowing vein of tears with which the Naiades are said to have furnished the unhappy daughter of Miletus,\* could have ended only with her life—to make her guarantee that as she fell without a crime, so she should fall unwept, even by the few who gathered around her in that bitter hour—when she was about to undergo beneath the axe's "sharp argument," "that sudden wrench from all we know, from all we love," which carries with it something so inexpressibly appalling to the mind—this was, indeed, an exquisite refinement upon a cold-blooded cruelty, worthy of the arch-devil of old!—it almost exceeds belief—the mind shudders and the heart withers at the recital of this horror! It was under circumstances like these, however—which superadded to the terrors of death the pangs of a living and cruel persecution—that Mary was conducted to the block, on the 7th of February, 1586. Her last thoughts still reverted to her most unworthy son: "Tell him," said she, "that I thought of him in my last moments, and that I have never yielded, either by word or deed, to aught that might lead to his prejudice; desire him to preserve the memory of his unfortunate parent, and may he be a thousand

\* Ovid's Metam. b. ix. v. 656.

times more happy and more prosperous than she has been.”\* Once more recurring to the infamous author of her earthly doom, the Royal sufferer observed, “I did not think that the Queen, my sister, would have commanded my death by the hands of the executioner; *but the soul is unworthy of heaven which shrinks from the pang of death.*” With the utterance of this sentiment—whose sublimity is equalled only by its pathos—closed the “Agony” of Mary Stuart, Queen of Scots.

We have been struck, in collating a few of the numerous authorities upon the life and reign of Mary, with the discrepancies, contradictions and omissions which will be found to abound in them all, with the exception of scarcely a single writer from Buchanan down to the present moment, when we have been favoured with two works, the one expressly devoted to a “Life,” of the Queen of Scots, and the other embracing an account of her reign in the course of a “History of Scotland.” In the earlier Scottish historians—those, more particularly, who were either the immediate contemporaries or eye witnesses of the events which they record—this circumstance is not calculated to surprise, when we recollect the spirit of the times in which they wrote; and that, in fact, the greater part, if not the whole of them, were mutually pledged, as it were, to one view, only, of the interesting and important questions which they discuss—thus furnishing additional support to the remark with which we set out, on the “partizan character” of nearly the entire body of modern history—a fact which Bolingbroke doubtless regarded as lending him a sanction for his celebrated declaration that History, after all, was a mere “heap of fables.” But it becomes matter of serious charge when the personal honour, the good name and fair fame of the distinguished characters of history are found to be at the mercy of this bad faith, this spirit of fabrication on the part of those who are charged with the solemn task, the sacred duty of transmitting to posterity free from impurities, and, as far as possible, from impediments, the streams of historical truth and justice. The historian may not be the most unerring of chronologists, but he must be an honest man: he may miscalculate dates, but he may not falsify facts: he may pass lightly and slightly over a birth, or a marriage, but he is pledged to take note of a calumny or controversy involving points of character and questions of personal honour: he may not deny that which is true, nor maintain that which is false: he may overlook the graces

\* “When she named her only child,” says Mr. Bell, “of whom she had been so proud in his infancy, but in whom her hopes had been so fatally blasted, her feelings for the first time overpowered her, and she burst into tears!”

of style and the beauties of sentiment—his manner may be bad and his matter may be worse—he may hold at nought the elegance of a Xenophon or the sublime philosophy of a Tacitus—he may regard as mere cunning the acuteness of a Hume, or as madness the romantic spirit of a Gibbon—but he may not *dispense with his moral veracity*. In describing a battle, he may estimate the distance of a hill, or ravine, at ten instead of twenty miles, or he may omit it altogether—in solving a political problem, he may indulge in conjectures from morning to night, or he may draw upon his ingenuity, purely as such, to any extent he pleases—but when leaving the *pulverem et aciem*, when rising above the dust and dirt of the historical arena—when emerging from the dreary darkness of those infamous dens,

With many a foul and midnight murder fed,  
in which religious and political fanatics of all ages,

Bending o'er the accursed loom,  
Have stamped their vengeance deep, and ratified the doom

of the numberless, and, too frequently, the nameless victims of their rapacity or lust—when lifting himself, in short, above the mere factions of the hour, the historian assumes the more sacred functions of his office, and proceeds to pass judgment upon the moral merits—the moral memory of the illustrious dead, who are to live with honour or with infamy in his pages—then it is that he is solemnly sworn to the truth—then it is that he should come with a clear understanding and an honest heart to the task before him—then, and then, alone, is indifference or neglect not to be forgiven; and wilful misrepresentation one of the blackest in the vast and dark catalogue of crimes.

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ART. IV.—*The Bravo—A Tale*. By the Author of "The Spy," "Red Rover," &c. "Giustizia in palazzo, e pane in piazza." 2 Vols. 12mo. Philadelphia. 1831.

ALTHOUGH "written more to renew, or rather to indulge recollections than for any other object," this fresh novel of our countryman certainly has "readable passages" in abundance.

Without doubt its effect will be to sustain if not to elevate his reputation in the literary world, both at home and abroad, even taking for the standard of that reputation the best, and not the level of his productions. In selecting in this instance a transatlantic site for his story, he has acquired a novelty with reference to his own sphere of description, even though the *local* be, through the writings of others, as familiar to most of his readers as their own homes. To those of them who like the melancholy Jaques, have "rich eyes and poor hands," and have fulfilled Rosalind's requisite to constitute a traveller by "swimming in a Gondola," the scenes and local allusions in these pages will teem with a vivid, and sort of proprietary interest; and to every one of liberal, or even trivial reading, the legends and the descriptions so abundant of the amphibious city of the Adriatic, have even made it a place of lively curiosity and touching remembrance. In departing from his own country to select in the old world a scene of interest, the author has judiciously, we think, alighted in Venice. Her high antiquity and unique form of government of themselves awake attention as contrasted with the country of all his previous narratives; and her wonderful achievements and mysterious doings, the peculiarity of her customs, and the individuality of her national character, and the very name of Republic which she so long, and so falsely vaunted, are eminently calculated to make every American a reader of "The Bravo."

The novel is intended to afford "an application on a familiar scale of the moral emanating from the social operations of the Venetian system." Having made himself familiar with every part of this singular scheme of government, Mr. Cooper has drawn out a series of fictitious incidents well suited to develope, and subject to a strong light its most characteristic feature—a regulation by public authority of all the citizen's private affairs. Throughout the world, and at every period of time it has been the besetting vice of governments to legislate overmuch, and to intermeddle officiously with the individual concerns of the people: no where, perhaps, was this impertinence ever carried to so great an extent as in the city of the Hundred Isles. From the day of the first Doge Paulatis, down to her one hundred and nineteenth, and last Luigi Manini, her whole social system was an exemplification of this abuse. There were many circumstances which gave it in that spot a singular permanence and success. The very formation of the town, its isolated situation, and compact structure, the swift and secret locomotion on its highways, all favoured measures of sudden cruelty, mystery, and terror which, operating upon



the deep ignorance of the people, made them ascribe to their tyrants the attributes of divinity, and thus the few who had accumulated immense wealth, through unjust monopolies, with the aid of superstition, and an innumerable priesthood, sustained their power, and worked their purposes with a searching, all-pervading, and inevitable efficacy. True, the close aristocracy of the Broglio, boasted that the government was just and free, and so did all the pseudo-republics of Italy, down to the last remnant on the pinnacle of San Marino—but their justice was monopoly, and their freedom, regulation.

At the head of the Venetian government stood one whom they styled a Doge—although he “the likeness of a kingly crown had on,” yet was he, for the most part, a thing of form and show, put there merely for purposes of pageantry and ostentation. The whole strength and volition of the state were concentrated in the inscrutable and terrible council of three. These were periodically chosen by the conclave of ten from among their own number, but were unknown even to their constituents. Their power was limitless, their purposes irresponsible, their councils secret, their motives and actions a mystery, and their will had the seeming of destiny. Passing through the ordeal of a body of three hundred, this superstructure had its foundation in the grand council of twelve hundred. None were admitted of this latter caste, but members of families who, in the thirteenth century, had enrolled their names, to that number, in the golden book. To be of this privileged set, in whom, and for whom, almost solely the government moved and had its being, was an object of strenuous desire, and a franchise guarded with extreme jealousy—above all, the members were required to surrender every foreign tie, and give themselves up in utter devotedness to St. Mark. For any of them to seek assistance from abroad was death, and even to hold property out of the republic was disfranchisement. As her territories became expanded by conquest, or purchase, of course, many rich and noble became her subjects; and their ambition and their pride naturally led them to make application to be admitted of those who were booked as voters, and who were licensed to lounge in the Broglio. But they were uniformly, and inflexibly debarred, and the distinction kept exclusively for the natives and dwellers in Venice, even down to her day of death. On the terra firma there were numerous distinguished, wealthy and leading families, who having been black-balled, became discontented, indignant and rebelliously inclined. When it suited the policy of Bonaparte, in sweeping past Venice to the Tyrol, to prostrate the “lean, and slipper’d pantaloon,” with

his accustomed sagacity and adroitness, he availed himself of this state of things, and instigating the Condottieri of Bergamo, Brescia, Padua, Vicenza, Bassano, and Udine, to push their pretensions to the golden book, they very wisely went to work, and killed the goose for the sake of its egg; and "verily they have had their reward."

But whatever might be the defects of the Venetian constitution, their commercial and naval supremacy flooded the city with wealth, and the operations of their system accumulated that wealth in the hands of the privileged few—who again disseminated it, not to enlighten and improve the people, but to dazzle their fancy, to excite their passions, and corrupt their morals. To this system the dismal ignorance and superstition, the total absence of means to circulate intelligence, or concentrate purpose among the lower orders, rendered them easy victims. Certainly in her better days the republic shone with instances of noble daring, and consummate policy neither few nor forgotten, but her whole system of civic rule was an appalling tyranny, selfish, cruel, and detestable to the uttermost. Her officers on assuming power forswore all human sympathies, and repudiated the influence of every domestic relation. "They took," in the words of our author, "no account of the solemn obligations of gratitude—the ties of affection were so many means of working upon the fears of those they ruled, but none for forbearance—and they laughed at the devotedness of woman's love, as a folly to amuse their leisure, or to take off the edge of disappointment in graver concerns." State policy and expediency were the engrossing and repulsive guides and ends, and the whole scope of thought and action. Wielding the powers of disgrace, exile, and death, they counselled in secret, and performed with suddenness and impenetrable mystery. In the words of Rogers in his "Italy," they were "all eye, all ear, no where, and every where." Through the spells of bribery, superstition, or intimidation they stationed a spy in each household, and arrayed the wife against her husband, the parent against his child, and the beloved against her lover. The weaknesses and the passions of their fellow-citizens, male and female, their endearing sympathies, and sacred duties, were to those who sat coldly wrapped in clouds "up above," but as senseless ingredients and materials for their workmanship.

Having premised these few observations, we proceed to a more particular analysis of "the last new novel." Its title at once provokes a comparison with its namesake that singular

translation from the German by Monk Lewis, "The Bravo of Venice." This second of the name will not, however, we are bold to say, suffer the least in comparison with its predecessor. Nor are there many points of resemblance between them—except, indeed, the real innocence of the Bravo, and the effect produced by the discovery of his supposed horrid guilt upon Rosabella in the one case, and Gelsomina in the other, and their concurrence in the sentiment, "I but know that I love thee whatever thou art," there is scarce any thing to make one exclaim, "Lo! Abëllino redivivus!" Besides, most who have had occasion to know how generally these thieves, the ancients, have "thought all our good thoughts before us" will not be very forward in setting such inquiries on foot.

"A young stranger who cometh to Venice for affairs," Don Camillo Monforte, Duke of Sant' Agata, by name, is the real hero of this novel, although Jacopo Frontoni, the Bravo, certainly makes himself very useful in its progress. Descended from one of the ancient conscript families by a younger branch, but holding large possessions in the Neapolitan territory, and deriving his title from the town of Santa' Agata, where you sleep the night before reaching Naples, upon the demise of the elders of his house, he visits Venice to claim their rank and privileges. His property, and ties abroad, constitute, as has been seen, obstacles in his way, and the Senate demur upon the demand, but are reluctant by reason of his high connexions and commanding influence in church and state, to give umbrage by an abrupt denial. While thus kept in suspense he abides, diplomatically speaking, near the Court of St. Mark, and partakes of course in "the exquisite indulgence of a gondola life." On one occasion while abroad in his barca coniera it falls to his lot to be present at the accidental upsetting of another gondola, containing a noble Venetian, and his lovely niece. Undoubtedly his services were rendered, and he judiciously saved the youthful casket of unsprung passions, leaving her worn out relative to—"go to heaven by water." This was rather a precipitate and uncereemonious introduction, but it made him acquainted with Violetta Tiepolo, an orphan, "the solitary scion left of a time-honoured race," of exceeding beauty, and no less wealth. Like Jaffier, he saved her, and like Belvidera, "from that hour she loved him, till for her life she paid him with herself."

Thus left alone in the world, the very paternal Senate of Venice, pursuant to its policy of doing every thing for every body, takes her under its guardianship, counting upon her charms, and inheritance as so much to bargain with, and pro-

mote the public weal. They appoint as their agent in the loving task the Signore Gradenigo, a descendant, we suppose, of the doges of that name; but his interests do not exactly tally with the designs of his employers, and he raises up another lover for his ward in the person of his profligate son Giacomo, one of "the wealthy curled darlings of the nation." The Signorina Tiepolo resides the while in the palace of her ancestors with a female friend Florinda, of a certain age, and under the religious guidance of her confessor father Anselmo, a Carmelite. Between these latter two personages it would seem there had been some passages in their former days, and a secret sympathy still subsisted. Yet were both pure and good, and true friends to the gentle and desolate being under their charge.

In the person and history of the Bravo, there is not so much to interest as perhaps was due to the delineation of him who was to give name to the tale. Sprung from the lower orders of society, illiterate, and "suspect in fame," the reader regards him rather as an object of inspection than of sympathy. His entire self-possession, the promptness, and exactness of his decision, and deeds, emanating from that settled and absolute purpose of soul which a clear head, and strong passion co-operate always in creating, together with the mystery in which he is shrouded almost to the last, excite, and sustain curiosity, but even the depth of his filial devotion, and the fire of his pure love are not sufficient to enlist our sympathy for him in preference to the Duke of Sant' Agata. His father had been many years in prison. To obtain access to him, and in the hope of his ultimate release, Jacopo becomes an agent of the State in its secret operations, and consents to stand forth to the world as a Bravo on hire, and to be the putative father of all the veiled murders and executions of his day. His name becomes famous, and his society, his very presence, shunned detestingly by all. In reaping his reward by visiting his father in his cell, the gaoler's daughter Gelsomina, becomes attached to him under the assumed name of Carlo, ignorant of his identity, and ill-fame in that world beyond the prison walls which was seldom visited by her youthful innocence. Usually from "the Portress of Hellgate," we read of in *Paradise Lost*, through all the other sorts of Janitors to a prison ever described, they have been abominable wretches, but here is a departure from precedent, and the Bravo's love is worthy of his deep affection, and our lively interest.

The subordinate characters in the narrative are, Antonio a fisherman of the Lagunes (a fine variety of our old friend Lea-

ther Stocking,) who having his grandson pressed, and sent to the galleys, is somewhat given to "traduce the state," and is made conspicuous by his triumph in the Regatta, his trial before The Three, and his fearful death and burial. Hosea, a sort of Shylock, quite as scrupulous of blood-letting though from a better reason; the quick witted and prompt Anina, "a supersubtle Venetian," and an agent of the police, and, her sometime gallant, honest Gino, who though a gondolier was not "a knave of common line," but a confidential servant of Camillo, with a few others of less note, complete the contingent of the dramatic personæ.

The opening scene is a felicitous description of the Piazza di San Marco. There is no place of the kind in Europe that is its equal. The Palais Royal at Paris is usually put in comparison with it. The latter certainly is gayer and more brilliant, but neither in the structure of the surrounding edifices, nor in classic and affecting associations will it sustain the competition. The uniform grandeur of the buildings on three sides of St. Mark's, and the superb and unique Cathedral on the fourth, have nothing to match them in its rival. Here too "not a stone in the broad pavement, but tells of past ages," but leaning with folded arms against the Campanile of Galileo, on your right you gaze upon the winged lion of Donatello, and the statue of St. Theodore, with their granite columns, the Ducal Palace, the Lion's Mouths, the Giant's Stairs, and the Bridge of Sighs in front, and sweeping your vision to the left you pass upon those famous four Horses of Lysippus that have travelled from Corinth to Rome, thence to Constantinople, and to Venice, and lastly to Paris, and back again to their present position; beneath which in the porch of the church you figure to yourself the scene between the haughty Pope and the Emperor Barbarossa, when their brief, but pregnant colloquy was "non tibi, sed Petro," "et mihi, et Petro." On your left are ranged the three triumphal Poles which once bore the subject banners of Candia, Cyprus and the Morea. Around you too are stranger aspects from all countries (apparently) under the sun, in their respective national costumes, Turks, Moors, Armenians, Slavonians, English, "Greeks, Romans, Yankeedoodles, and Hindoos." No where does one feel so completely foris familiated, so utterly a stranger as while lounging in St. Marks. Elsewhere travelling you seldom see the people of more than one nation at a time, and from the simplicity of manners, dress, and habits which the free and frequent intercourse of modern days has brought about, so much to the detriment of romance and the picturesque, you scarcely realize that you are away from

home—unless, indeed, you have especial reasons for recollecting that greatest of all bores the Tower of Babel—but here—“did’st ever see a gondola? If not”—let us turn to our author’s graphic description of the spot into which we have thrust you.

“At the hour when the sun had disappeared behind the summits of the Tyrolean Alps, and the moon was already risen above the low barrier of the Lido, the vast parallelogram of the Piazza di San Marco was filling fast, the cafés, and casinos within the porticoes which surround three of its sides, being already thronged with company. While all beneath the arches was gay and brilliant with the flare of torch, and lamp, the whole range of edifices called the Procuratorios, the massive pile of the Ducal Palace, the most ancient Christian Church, the granite columns of the piazzetta, the triumphal masts of the great square, and the giddy tower of the campanile, were slumbering in the more mellow glow of the moon.

“Facing the wide area of the great square stood the quaint and venerable Cathedral of San Marco. A temple of trophies, and one equally proclaiming the prowess, and the piety of its founders, this remarkable structure presided over the other fixtures of the place, like a monument of the Republic’s antiquity and greatness. Its Saracenic architecture, the rows of precious but useless little columns that load its front, the low Asiatic domes which rest upon its walls in the repose of a thousand years, the rude and gaudy mosaics, and above all, the captured horses of Corinth which start from out the sombre mass in the glory of Grecian art, received from the solemn and appropriate light, a character of melancholy and mystery, giving more intenseness and effect to the thick recollections which crowd the mind as the eye gazes at this rare relic of the past.

“As fit companions to this edifice, the other peculiar ornaments of the place stood at hand. The base of the campanile lay in shadow, but a hundred feet of its gray summit received the full rays of the moon along its eastern face. The masts destined to bear the conquered ensigns of Candia, Constantinople, and the Morea, cut the air by its side, in dark, and fairy lines, while at the extremity of the smaller square, and near the margin of the sea, the forms of the winged lion, and the patron saint of the city, each on his column of African granite, were distinctly traced against the back ground of the azure sky.”

As companion pieces to this we might select the pictures of the palaces of Venice generally, and of the Ducal Palace in particular, but we must pass on to other objects barely remarking in this place upon an inaccuracy in the foregoing descriptions. One of the triumphal masts is here spoken of as being intended for the Ensign of Constantinople, and elsewhere as for that of Crete. In point of history it was erected for neither, but for that of Cyprus. In all other instances, however, the author’s historical and topographical allusions are as correct

as the incidents and descriptions embodying them, are spirited and scenic. In speaking of the "famous Rialto," he rightly represents it as the only bridge across the grand canal that bisects the city, and as the crowded thoroughfare by day and by night. Otway makes Pierre take his "evening's walk of meditation" on this the most unfit spot in all Venice for the purpose. But in several particulars an entire ignorance of the scene of action is apparent in his "Venice Preserved." On the other hand, this is not discovered in either the "Moor," or the "Merchant of Venice," and in the latter, Shakspear justly alludes to the Rialto as the place "where merchants most do congregate," and, in keeping with this, Jacopo in the work before us, says, "I have seen faces on the Rialto of late, Signore, that look empty purses."

We could almost find it in our conscience to copy the author's animated and spirit-stirring account of the Regatta, with the sketch of the Bucentauro. The mouldering remains of this once magnificent aquatic bridal throne, with a model in miniature of its perfect state, are shewn to you in the arsenal. Passing by the Lion of Marathon to visit them, you enter what strikes you as the most appalling monument "delle glorie passate della Repubblica"—what was once the thronged receptacle of her mighty navy, and the teeming laboratory of her all conquering armaments. The arsenal or navy yard, (for they are united) is still vast and unsurpassed in convenience, but almost tenantless and unused. You need not seek far for an explanation of the cause. Going the rounds the cicerone shows you the state barge of a modern model constructed by Bonaparte in lieu of the Bucentaur. Its prow was originally adorned, in imitation of the armed front of the gondola, with a golden bust of the Imperial Eagle. When the Austrians, under the treaty of Vienna, took possession, they just stuck another head on the Eagle to make it agree with their own standard. The comment of your aged guide with his eye of hopelessness is, that this was done (in the words of the Wolf to the little Red Riding Hood,) "the better to *devour* us, caro mio."

Perhaps the most striking episode in this story is that in which Antonio the fisherman of the Lido is the hero. The following sketch will give him identity with the reader.

"Of those who were reluctantly compelled to turn their thoughts from the levities of the moment to the cares of the morrow, and were departing in crowds to humble roofs, and hard pillows, there remained one who continued to occupy a spot near the junction of the two squares, as motionless as if his naked feet grew to the stone on which he stood. It was Antonio.

"The position of the fisherman brought the whole of his muscular form, and bronzed features beneath the rays of the moon. The dark, anxious and stern eyes were fixed upon the mild orb, as if the owner sought to penetrate into another world, in quest of that peace which he had never known in this. There was suffering in the expression of the weather worn face; but it was the suffering of one whose native sensibilities had been a little deadened by too much familiarity with the lot of the feeble. To one who considered life, and humanity in any other than their familiar and vulgar aspects, he would have presented a touching picture of a noble nature, enduring with pride, blunted by habit; while to him who regards the accidental dispositions of society as paramount laws, he might have presented the image of dogged turbulence and discontent, healthfully repressed by the hand of power. A heavy sigh struggled from the chest of the old man, and stroking down the few hairs which time had left him, he lifted his cap from the pavement, and prepared to move."

With all his progeny, stricken down around him in the wars, Antonio has nothing to live for but a single grandson who is seized upon for the public service. He throws himself before the Doge as he is proceeding in state to the annual and annular nuptials with the Adriatic, and by token of his many scars, implores the release of his grand-child. His suit is repulsed as conflicting with state policy. He then wins the first prize in the boat-race, and, declining to receive it, begs the same favour instead. This also is denied, and his cause is taken up by his comrades, and produces a popular excitement alarming to the Patricians. He is consequently brought before the tribunal of Three, where he defends himself with dignity, and makes this appeal. "There may be among ye a father, or perhaps some one who hath a still more sacred charge, the child of a dead son. To him I speak." In this address there may perhaps be traced some resemblance to that of Othello, but it is at all events very faint. He backs his renewed application by producing the ring which in the morning had been thrown by the Doge into the Adriatic as a bridal pledge. This incident is borrowed from a picture by Paris Bordonone, in the academy there, commemorative of a similar historical event. The stratagem by which the fisherman recovered the ring need not have been resorted to if it be true, as the malicious have alleged, that the economical republic were always sure to attach to it a string when of value to facilitate its recovery. Notwithstanding every claim he could prefer, however, still his wishes were negatived, and although dismissed, having become too conspicuous and popular, he is to be secretly removed. The account of his death accordingly, is the most powerfully wrought and effective scene of our author's present gallery—and we ven-



ture to transcribe it at length. In the hands of Palma, Giorgione, or Tintoretto it would have made a deathless picture, and is well worthy of the best pencils of the age. We hope to see it illustrated yet by the kindred skill of a Leslie, or an Alston.

In the night of the day of the Regatta, or of the day after (for the author has many anachronisms, and some confusion in this particular) Antonio is seen afar in the bay fishing beneath the moon-light alone in his gondola. The Bravo joins him, and their interview is deeply interesting. Presently the latter discovers a barge in the service of the State making towards them. Suspecting some foul practice he endeavours to persuade the fisherman to attempt escape, but the latter in conscious innocence, and perhaps indifferent of life remains stationary plying his line. Jacopo, however, pushed off in his own gondola, and with a readiness, that necessity, and long practice rendered nearly instinctive, took a direction which blended his wake in a line with one of those bright streaks that the moon drew on the water, and which by dazzling the eye, swallowed up, and effectually concealed the objects within its width.

"The gondola of the State came with a rushing noise to the side of Antonio's boat, where it was suddenly stopped by a backward sweep of the oars. The water was still in ebullition, when a form passing into the gondola of the fisherman, the larger boat shot away again, to the distance of a few hundred feet, and remained at rest.

"The Carmelite arose, and stood over the kneeling Antonio, with the whole of his benevolent countenance illuminated by the moon. Stretching his arms towards the stars, he pronounced the absolution, in a voice that was touched with a pious fervour. The upward expectant eye, with the withered lineaments of the fisherman, and the holy calm of the Monk, formed a picture of resignation, and hope, that angels would have loved to witness.

"*"Amen! amen!"* exclaimed Antonio, as he arose, crossing himself, *"St. Anthony, and the Virgin aid me to keep these resolutions!"*

"*"I will not forget thee, my son, in the offices of the holy church. Receive my benediction that I may depart."*

"Antonio again bowed his knee, while the Carmelite firmly pronounced the words of peace. When this last office was performed, and a decent interval of mutual, but silent prayer had passed, a signal was given to summon the gondola of the State. It came rowing down with a great force, and was instantly at their side. Two men passed into the boat of Antonio, and with officious zeal assisted the Monk to resume his place in that of the republic.

"*"Is the penitent shrived?"* half-whispered one, seemingly the superior of the two.

"Here is an error. He thou seekst has escaped. This aged man is a fisherman named Antonio, and one who cannot have gravely offended St. Mark. The Bravo hath passed toward the island of San Giorgio, and must be sought eslewhere."

"The officer released the person of the Monk, who passed quickly beneath the canopy, and he turned to cast a hasty glance at the features of the fisherman. The rubbing of a rope was audible, and the anchor of Antonio was lifted by a sudden jerk. A heavy plushing of the water followed, and the two boats shot away together, obedient to a violent effort of the crew. The gondola of the state exhibited its usual number of gondoliers bending to their toil, with its dark and hearse-like canopy, but that of the fisherman was empty!

"The sweep of the oars and the plunge of the body of Antonio had been blended in a common wash of the surge. When the fisherman came to the surface, after his fall, he was alone in the centre of the vast but tranquil sheet of water. There might have been a glimmering of hope, as he arose from the darkness of the sea to the bright beauty of the moon-lit night. But the sleeping domes were too far for human strength, and the gondolas were sweeping madly towards the town. He turned, and swimming feebly, for hunger and previous exertion had undermined his strength, he bent his eye on the dark spot, which he had constantly recognized as the boat of the Bravo.

"Jacopo had not ceased to watch the interview, with the utmost intentness of his faculties. Favoured by position, he could see without being distinctly visible. He saw the Carmelite pronouncing the absolution, and he witnessed the approach of the larger boat. He heard a plunge heavier than that of falling oars, and he saw the gondola of Antonio towing away empty. The crew of the republic had scarcely swept the Lagunes with their oar-blades, before his own stirred the water.

"Jacopo!—Jacopo!"—came fearfully, and faintly to his ears.

"The voice was known, and the occasion thoroughly understood. The cry of distress was succeeded by the rush of the water, as it piled before the beak of the Bravo's gondola. The sound of the parted element was like the sighing of a breeze. Ripples and bubbles were left behind, as the driven scud floats past the stars, and all those muscles which had once before that day been so finely developed in the race of the gondoliers, were now expanded, seemingly in twofold volumes. Energy and skill were in every stroke, and the dark spot came down the streak of light, like the swallow touching the water with its wings.

"Hither, Jacopo—thou steerest wide!"

"The beak of the gondola turned, and the glaring eye of the Bravo caught a glimpse of the fisherman's head—

"Quickly, good Jacopo—I fail!"

"The murmuring of the water again drowned the stifled words. The efforts of the oar were frenzied, and at each stroke the light gondola appeared to rise from its element.

"Jacopo—hither—dear Jacopo!"

"The mother of God aid thee, fisherman!—I come!"

"Jacopo—the boy!—the boy!"

"The water gurgled; an arm was visible in the air, and it disappeared. The gondola drove upon the spot where the limb had just been visible, and a backward stroke, that caused the ashen blade to bend like a reed, laid the trembling boat motionless. The furious action threw the Lagoon into ebullition, but, when the foam subsided, it lay calm as the blue and peaceful vault it reflected.

"Antonio!"—burst from the lips of the Bravo.

"A frightful silence succeeded the call. There was neither answer nor human form. Jacopo compressed the handle of his oar with fingers of iron, and his own breathing caused him to start. On every side he bent a frenzied eye, and on every side he beheld the profound repose of that treacherous element which is so terrible in its wrath. Like the human heart, it seemed to sympathize with the tranquil beauty of the midnight view; but, like the human heart, it kept its own fearful secret." pp. 227-240

For those who are curious to form a correct idea of that exclusively Venetian, but far-famed contrivance, a gondola, these pages contain sufficient information. The comparison of its motion in the preceding scene to that of a swallow, is in this instance just, as well as highly picturesque, but in general it is rather as described in another place, "easy, and swan-like from its peculiar slow movement," and indeed, you are constantly reminded by it of those exquisite lines of Milton—

"The swan, with arched neck,  
Between her white wings mantling proudly, rows  
Her state with oary feet."

True it is that "silent now rows Adrian's gondolier," but we cannot add "and pity 'tis, 'tis true," except as being indicative of the fallen fortunes of the country, for when "by particular request" they now and then sing in these days it is in a manner shrill, screaming, monotonous, and annoying to a degree. It is a singular circumstance that throughout Italy the common people, when untaught, all sing in the same way, and are apparently the most unmusical of mankind, and yet with instruction they become quite peerless. Usually the only sound heard from a gondolier, for they are especially silent and deferential, is the quick, sharp, melancholy cry they utter to warn one another when turning a corner.

It has been remarked of the author of the *Bravo* that he is not very successful in delineating female character, particularly that of ladies. There is much in the present work to refute that imputation. Many traits are thrown into the characters of several of the personages evincing a clear insight into woman's peculiarities, as when he speaks of "that sympathy which she rarely refuses to her sex, in any trial that involves their

peculiar and distinctive feelings," and makes the heroine exclaim, upon hearing a neighbour serenaded, "dost thou not find this public announcement of a passion painful? Were I to be wooed, I could wish it might only be to my own ear." This is true to that innate and unassumed delicacy which some natures in their youth know; and yet somewhat inconsistently, when the case becomes her own, she is made "to start back abashed, and as she holds her breath in wonder, and happily with that delight which open admiration is apt to excite in a youthful female bosom, the colour which glowed about her temples was like the rosy light of her own Italy."

The Signora Violetta was extremely youthful, with all the fire of her country, and with more than the energy of her experience. With a dark, *lustrous*, and eloquent eye, and with that severe but finished simplicity of manner and costume, which denotes the presence of high quality and true taste, she deserved the encomium of her lover as "the fairest face, the warmest heart, and the purest mind of Venice."

"With heart on her lips, and soul within her eyes,  
Soft as her clime, and sunny as her skies."

Through the concurrence of her Father Confessor, Don Camillo is admitted at evening to her presence. His suit is preferred in fitting terms, and prospers in requital of her deep debt of gratitude, and for sundry "other considerations her thereunto moving." They are interrupted by the arrival of a messenger from the Senate, who announces the removal of Violetta from Venice that night. This makes them resolve upon an immediate marriage and flight. The ceremony takes place, and the party descending to the canal, the Duke of Sant'Agata hands them into the gondola in waiting, but when on the point of following himself, is powerfully thrust back, and the boat with its inestimable freight veers beyond his reach and shoots away. Amazement seizes him, and he is utterly at a loss to understand matters until his own gondola arrives in a different direction. He then discovers that the Senate had received timely intimation of his plan to elope with their ward, and copying his gondola and liveries had in their wonted mysterious and prompt manner frustrated his scheme. He goes in pursuit without success, but landing on the Lido encounters, among the tombs of the heretics, the Bravo, who in desolate despair, was on the point of committing suicide. The scene is admirably chosen for the dialogue which ensues, as those who have visited it must recollect. By evincing commiseration, if not sympathy for him, the Duke induces Jacopo to abandon the

service of the State and become his friend. Through his assistance, after many critical and well narrated adventures, Violetta is restored to her husband, and "with an unthrift love, runs from Venice" with him. They make their escape in a felucca kept in waiting for the purpose, through the skilful management of Jacopo, and arrive at Ancona within the papal dominions, and beyond the spring of the winged-lion.

Here the story, we think, should have concluded, and the Bravo and his Gelsomina ought to have been the companions of their flight. This, at least, would have been poetic justice, though, perhaps, not so illustrative of the author's purpose of "setting forth the operations of Venetian policy." Still the story afterwards "like a wounded snake draws its slow length along," the climax has been reached, the chord has received its utmost tension, and the continuity of interest is broken.

Jacopo returns to visit his father in one of those terrific "Piombi" of the state prison, laid open by the French. The scenes with his aged parent are deeply affecting. When returning, he hears below in the square, proclamation made by the treacherous Senate for his head. In endeavouring to make his escape with Gelsomina, he is arrested on the Bridge of Sighs; and here she first discovers that he whom she had loved, as Carlo, was in reality Jacopo, the universally execrated Bravo. The effect of this horrible truth upon her innocent love is finely depicted, and when, afterwards, in the scene between her lover in his cell, herself, and Father Anselmo, she becomes reassured of his real innocence of all that had seemed against him, the reaction of her feelings is as well conceived and delineated. The descriptions given of the Bravo are eminently striking and distinctive. Stationed in the piazzetta

"All who drew near the immoveable man glided away, as if there were repulsion in his marble-like countenance. A slow movement, at the sound of footsteps, brought the rays of the moon full upon his calm face and searching eye. \* \* \* \* \*

His years were under thirty, though the calm gravity of his countenance imparted to it a character of more mature age. The cheeks were bloodless, but they betrayed rather the pallid hue of mental than of bodily disease. The perfect condition of the physical man was sufficiently exhibited in the muscular fullness of a body, which though light and active, gave every indication of strength. His step was firm, assured and even; his carriage erect and easy, and his whole mien was strongly characterised by a self-possession that could scarcely escape observation. A doublet of common velvet, a dark Montero cap, such as was then much used in the southern countries of Europe, with other vestments of a similar fashion, composed his dress. The face was melancholy rather than sombre, and its perfect repose accorded well with the striking

calmness of the body. The lineaments of the former, however, were bold and even noble, exhibiting that strong and manly outline which is so characteristic of the finer class of the Italian countenance. Out of this striking array of features gleamed an eye, that was full of brilliancy, meaning and passion."

He is carried before his former employers *The Three*. They permit him once more to visit his father, who then expires in his arms—"after which there was deep quiet." "With a dignity of air that belongs only to character, and with a smile full of superiority," he reappears before his judges. Sentence of death is passed upon him for that of which he was guiltless—Gelsomina and the Carmelite intercede with the Doge, and leave him not without hope. On the morrow the *Bravo* is led forth by the *Sbirri* to execution. Father Anselmo is there to shrive him, and Gelsomina breaks into the armed ring to be by his side. To the last she is confident of a pardon, and, when she descries a signal from the Ducal Palace, springs forward joyfully to greet it. Her lover's sundered head rolls to her feet, making him a corpse, and her a maniac.

It was our happy fortune to wander with the author through many of the favourite scenes of Italy, and hence we can both appreciate and vouch for his glowing descriptions. In that consideration we will give another extract of the kind, and then draw our remarks to a conclusion.

"The moon was at the height. Its rays fell in a flood on the swelling domes and massive roofs of Venice, while the margin of the town was brilliantly defined by the glittering bay. The natural and gorgeous setting was more than worthy of that picture of human magnificence; for at that moment, rich as was the queen of the Adriatic in her works of art, the grandeur of her public monuments, the number and splendour of her palaces, and most else that the ingenuity and ambition of man could attempt, she was but secondary in the glories of the hour.

"Above was the firmament gemmed with worlds, and sublime in immensity. Beneath lay the broad expanse of the Adriatic, endless to the eye, tranquil as the vault it reflected, and luminous with its borrowed light. Here and there a low island, reclaimed from the sea by the patient toil of a thousand years, dotted the Lagunes, burthened by the group of some conventual dwellings, or picturesque with the modest roofs of a hamlet of the fishermen. Neither oar, nor song, nor laugh, nor flap of sail, nor jest of mariner, disturbed the stillness. All in the near view was clothed in midnight loveliness, and all in the distance bespoke the solemnity of nature at peace. The City and the Lagunes, the gulf, and the dreamy Alps, the interminable plain of Lombardy, and the blue void of heaven, lay alike, in a common and grand repose."

Much of the beauty of Italian scenery is owing to its southern latitude and fine climate, and our conceptions of it are formed, generally, from what we see in English authors, whose accounts are overwrought from a contrast with their own misty islands. In this country, or this section of it at least, we have skies as "cloudless, clear and purely beautiful," and air as bland and balmy, and sun-sets as gorgeous, as any to be felt, or seen between Domo d'Ossola and Reggio, or Otranto, Piombino and Ancona.

We agree with our author in thinking that it is in vain to seek for analogies between our institutions and those of Europe. It has always moved our quiet merriment to hear elaborate comparisons instituted, in reference to this our entirely new-fashioned and experimental Republic, and those of ancient Greece and Rome, or modern Europe—as if any of them ever had newspapers, or the representative main spring! Still there are causes, political, commercial, and physical, that must produce like results, though in different hemispheres, and under various influences; and local similitudes, however slight, readily bring about an association. Thus when we read in the novel under review, and other modern works, saddening relations of the prostrate and torpid condition of Venice, certain resemblances in her situation and history, with those of this once flourishing city, bring them home to us with a sharp adaptation. Having their origin in common from religious intolerance and persecution, the colonists who took refuge at Grado and amid the Lagunes of Venice, and the Huguenots who fled to these shores, have other points of assimilation in the site, fortunes and look of the cities they respectively founded. Beneath a southern clime and sunny skies, in a champaign country, and with a choice harbour, the structures of their sanctuaries, as you approach from the water with Sullivan's Island, corresponding to the Lido, forcibly induce a mutual recollection—and when the moon has thrown its light around, as the solitary passenger, through the deserted and sepulchral streets of Charleston, meditates upon her time-worn, rusty and mouldering edifices, he is gloomily reminded of the blank, icy and desolate aspect of that other city afar; now manifestly "expiring before the eyes" of her inhabitants, and fast "sinking into the slime of her own canals."

In the language of our author, "men live among her islands in that state of incipient lethargy, which marks the progress of a downward course, whether the decline be of a physical or moral decay, and appear to have imbibed the character of their sombre city;" and in the words of a late spirited writer upon Ita-

ly, they feel that "there is no position more wretched and more worthy of compassion, than the having been born under political combinations unfavourable to the acquisition of independence and the reward of ambition."

Once flourishing, galliard and hospitable, the resort of numerous strangers from all parts, it became a proverb that "Venice was always in the carnival"—but now the traveller tells of but three houses where the vestiges of these things, the wreck of her social splendour, are still faintly visible; and the far-famed "gentil uomo Veneto," has gone to the "tomb of the Capulets," or if he still lingers "far il Broglio," his predominating characteristic of the gentleman is, Ben Jonson's ingredient "melancholy." But, unless like Byron one has been "familiar with ruins too long to dislike desolation," this is an ungracious theme, and it is time we should bid farewell to that city, whose "aspect is like a dream, and her history like a romance."

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ART. V.—1. *Memoir of the Life of Henry Francis D'Aguesseau, Chancellor of France; and of his Ordonnances for consolidating and amending certain portions of the French Law: And an historical and literary account of the Roman and Canon Law.* By CHARLES BUTLER, Esq. Barrister at Law. Fourth Edition. London. Murray. 1830.

2. *Œuvres complètes du Chancelier D'Aguesseau, nouvelle édition, augmentée de pièces échappées aux premiers éditeurs et d'un discours préliminaire.* Par M. PARDESSUS, Professeur à la faculté de droit de Paris. (16 tom. 8vo.) Paris. 1819.

IN the little volume placed at the head of this article, Mr. Butler has surpassed himself. Notorious as he is for a garrulous smattering in all things knowable, we did not think it possible he should put forth such a scandalous piece of book-making, on such a subject as the life of D'Aguesseau. We sent for his work with hopes which have been most cruelly disappointed. We have long thought a complete view of the services, the talents, the learning, and the character of the illustrious subject



of this Memoir, a desideratum in English legal literature. It struck us, too, that Mr. Butler was as well qualified for such a task as any English lawyer of whom we have recently heard, except the late Sir Samuel Romilly. But what are we to think of a miserable little compilation of some seventy or eighty pages octavo, with as much margin as text, recording of one, who, for sixty years together, filled by far the largest space in the eyes of the French nation of any other legal character since the Chancellor De l'Hospital, and who, for full half that period, was the *very* successor of that great man in the dignity, the duties, and we may add, the glory of the highest station in the judicature of France, very little more than might be learnt from his epitaph? We will venture to assert, that a more satisfactory account—and beyond all comparison more satisfactory—of D'Aguesseau is to be found in the notes to Thomas' Éloge, alone, than in this work of Mr. Butler. But if it is strange that the author should publish such a thing as this, what shall we say of the people that encourage him? It appears that this book has actually passed through four editions. Nor is this to be ascribed to the value of the "historical and literary account of the Roman and Canon Law," that accompanies the "Memoir." Qui Bavium non odit, amet tua carmina Mævi. A reading public which can patronise one of these enterprises is quite worthy of the other; and we confess, that taken together, the success of them gives us a very unfavourable notion of that part of the English reading public that is interested in the science and literature of law. Or shall we rather infer, that so impatient is its curiosity about such things, that rather than have nothing at all said about them, they are willing to look favourably even upon the drivellings of Mr. Butler?

We are afraid that this last suggestion is altogether improbable. Some five and twenty years ago, when Mr. Evans published his translation of Pothier on Obligations, it is evident that even he had but just made the acquaintance of D'Aguesseau. The readers of that valuable work know that it is enriched by a dissertation on mistakes of law, from the pen of D'Aguesseau, and by two of his *plaidoyers*, when Avocat-Général. The translator himself professes to have come to his knowledge of those admirable productions, but a short time before the publication of his own book, and he is so enraptured at his discovery, that nothing prevented his imparting to the public a much larger share in his new acquisitions, but the painful conviction that the public had not the least desire to partake of them. The truth is, that if a man were called upon to name the sort of intellectual pursuit which were most at variance

with all elegance of taste, all literary acquirement, all comprehensive and profound philosophy, all liberal and enlarged views of science and of society, in short, with all that made D'Aguesseau—what he was—the most accomplished of advocates, of jurists and of magistrates, as well as of scholars and gentlemen—he would without any hesitation name the Common Law of England, as it has been generally studied by the practitioners of Westminster Hall. In a passage from Hotman, quoted by Mr. Butler elsewhere,\* Polydore Virgil is represented as having pronounced the jurisprudence of that country a mingled or chaotic mass of foolishness and captious subtlety, and Erasmus breathes a sigh over the fate of Sir Thomas More, constrained by circumstances to devote his elegant mind to the study of a body of laws, than which, nothing, in the opinion of the Dutch scholar, could be more *illiterate*.† We have more than once, in the course of our labours, had occasion to make the same remark, which we shall have now a fair opportunity more fully to develope and illustrate. We would not be understood to detract from the unquestionable and transcendent merit of the common law, whether it be considered in reference to its rules of property, its system of legal logic,‡ or the maxims of justice, of morality, and of sound policy which it is studious to inculcate and enforce. Above all, we do not mean to dispute its justly conceded pre-eminence, as a scheme of liberty—a scheme of practical liberty—better, by far, than any other people, either of ancient or of modern times, have ever enjoyed. Our objection goes to form rather than substance, to the manner of teaching rather than to the things taught. With the exception of some men, who would be exceptions to any rule—such as Bacon and Mansfield—the lights of Westminster-Hall have been mere practical lawyers, with abundance of knowledge, and exact knowledge, but without one spark of philosophy. Take Lord Coke and Lord Eldon, for example—the two men, perhaps, of the greatest amount of legal acquirement, that have ever adorned the bench in England—whose very *dicta* are oracles, and who never touch upon a subject, however incidentally, without pouring out upon it a flood of curious learning. For all practical purposes, these great judges deserve the consideration they enjoy, yet it would be difficult to name two men who fall so miserably short of that

\* Pref. to Coke—Littleton.—We remarked, in a former number, a ludicrous blunder of Mr. Butler, in translating the words of Hotman—a blunder unaccountable in a man of his education—or of any education.

† Quibus nihil illiteratus.

‡ Generally speaking, that is.

elegant and finished model upon which the distinguished civilians seem to have formed themselves. If any of our readers doubt this, we recommend to their dispassionate perusal, the writings of Domat, of Pothier, and, above all, of the Chancellor D'Aguesseau.

The appearance of Lord Mansfield, as Chief-Justice of the King's Bench, was an era of signal improvement. That great judge was not a better magistrate than Lord Hardwicke. Perhaps, if, in the administration of the laws, preference is to be awarded to either of them, it is due to the latter, in whose person Wisdom herself, as Mr. Fox observed of him, seemed to deliver the responses of the Law. But his great rival had to work upon materials less tractable than the subjects of Chancery jurisdiction. He had to contend with more inflexible technical forms—and the yet more inflexible prejudices of technical men. This latter difficulty may be easily imagined from the disposition manifested by Lord Kenyon, on all occasions, to overrule or qualify decisions which, however agreeable to a refined equity, and even to sound principles of law, that narrow minded man, wherever there happened to be no case in point, naturally enough regarded as so many dangerous, innovations. But the reputation of Lord Mansfield has increased with the progress of time—as the conclusions of enlightened reason must ever be confirmed by the voice of experience. He is admitted to have been, in some sort, the founder of a new school of jurisprudence—not that he invented any thing (which would have been rather a sinister glory in a judge or a jurist) but that he introduced a new *method*—that he pointed out *connexions* where none had been before observed, and simplified the science by comprehensive generalizations—in a word, that he did much to perfect the harmony and concordance of the law, and to shew that its seemingly arbitrary rules generally coincide with the dictates of right reason. Yet, great as Lord Mansfield's pre-eminence among English lawyers confessedly is, he is indebted for it, in no small degree, to the writings of the civilians. They were his masters and his model. In every branch of commercial law, they furnished him not only with ascertained principles, but even with express precepts and established precedents—and Mr. Evans\* has shown by a very curious collation of the texts of the civilians, that even in laying down the rules which govern the action for money had and received, he adopted not only their doctrines, but their very words.

\* Translation of Pethier, vol. ii. p. 379.

The great advantage—unquestionable, we think—of the manner in which subjects are treated of by the Roman lawyers and those who have succeeded them in modern times, is implied in what we have said of Lord Mansfield. It consists in looking upon jurisprudence as a science, and an ethical science, of which the principles—however modified, occasionally, and controlled by the policy of society—are to be found in the conclusions of right reason and the unalterable feelings of human nature. Of law they justly conceived, with Cicero,\* that it is the recorded morality of a nation—a rule of social duty, no less than of civil conduct—of which the great object is not only security in the possession and certainty in the transmitting of property; but the consecration, if we may so express it, of good faith, of integrity, of loyalty—the impressing upon men's minds, by enforcing in all their commerce with each other, the sanctity of obligations—the setting the seal of the public will and understanding, the unanimous assent of a whole society, and that society a great people, upon the principles of a refined equity and an enlarged benevolence, reduced to practice in the daily concerns of life, with the precision, the consistency and the uniformity of an exact science. The great lawyers of antiquity, in the golden age of the Roman law, especially, were great philosophers as well. Their disquisitions, their dicta, their very definitions, all smack of the schools. In the progress of the Roman law this spirit made itself more and more apparent. At first there were many arbitrary rules in it, and from these were sometimes deduced, by an over-refined and captious logic, conclusions more subtle than sound, which gave to that jurisprudence the same technical and artificial air that strikes us in the writings of the bulk of our common lawyers. By degrees, these rules were modified by the Edict of the Prætor, evaded by the interpretations of the jurisconsults, and formally abolished by the Emperors. It is not necessary to read further than the Institutes and the Antiquities of Heineccius to perceive how many salutary changes were introduced, one by one, by the Cæsars, and, at length, in a whole body, by Justinian, of which the object was to substitute rational for arbitrary legislation, and to give to the law a simplicity, at once elegant, in theory and convenient in practice—the *simplicitas legibus amica*, as Tribonian happily enough expresses it. The civilians, as we remarked on a former occasion,† distinguished carefully between the *jus civile*, or positive law of a single people, and the *jus gentium*, the law of nature,

\* De Legib. De Republica.

† So. Review—No. 3, Art. iii.

universally recognized by the nations. Their scheme of improvement was to make the former part of their jurisprudence approximate, as nearly as might be, to the latter—to make them coincide, if possible, by merging the one in the other—and in this scheme, they succeeded far beyond all other example. The proof of this is equally obvious and decisive. Their labours have almost superseded those of modern legislators and jurists. Their great collection—though arranged in a manner altogether unworthy of the wisdom it has preserved and perpetuated—was brought to light in a semi-barbarous age. It was hailed with joy and gratitude, as a revelation of the holiest mysteries of justice—the understandings of men, comparatively unenlightened as they were, at once assented to the reason, while their hearts felt the morality of its precepts—and in the schools of philosophy and literature, all over Europe, the most learned professors of their day, were employed to explain and disseminate its principles, which it was thought scarcely possible to improve. The strength of the evidence in favour of this system of laws, increased with the severity of the tests to which it was subjected. In the progress of society, its relations become every day more complex and extensive, and rules adapted to the various exigencies of human affairs were wanted. The barbarous customs, local and general—the comparatively few, and very imperfect ordinances of the Kings—tended rather to confound than to inform and to guide those who were to execute justice, in matters of contract, between man and man. Yet the deficiencies of domestic legislation—which would have been so embarrassing under other circumstances—were scarcely felt when the *Corpus Juris Civilis* was to be found in every library. Those volumes presented to the rising commonwealths of Europe, a body of jurisprudence, not local, temporary, and occasional, but so purged of what is merely arbitrary and technical, as to be almost equally well adapted to all times and nations—a collection of written reason, as it has been well called, ratified by the experience of centuries, and approaching so nearly, in its dispositions, to the ideal perfection of universal law, as to have left but little to be done by succeeding ages, in the way of any substantial addition or improvement in the most important departments of jurisprudence. This is the brief account of the introduction of the Civil Law into every enlightened forum on the continent of Europe, and of the profound respect with which it is regarded even by those who do not acknowledge its authority.

If the excellence of that system of jurisprudence—as it stood in the third century, its Augustan age, and has been transmitted to us with some modifications in the Justinian collection—is so conspicuous, the manner in which it has been cultivated and administered in modern times has contributed to maintain it in all its perfection. We shall have occasion to dwell more upon the constitution of the continental courts, in the sequel, but it may as well be remarked here that they who have adorned the tribunals and the law chairs in the Universities of France, have resembled, in their habits and thoughts such men as Lord Coke and Lord Eldon, almost as little, as the Corpus Juris resembles the Grand Coutumier. The prominent men of Westminster-Hall, we have said, have been, generally speaking, mere men of business. Some of them who have attained to the highest reputation, Saunders for instance, made their way to eminence by skill in the merest technicalities of the science, helped, perhaps, by low arts in the practice. It was a saying in Edinburgh that no barrister who had inherited £2000. had ever done much in the Parliament House. The remark is more strictly applicable to Westminster Hall. Necessity—not fame—“is the spur that the clear spirit doth raise, to spurn delights and live laborious days,” in the Inns-of-Courts, and their results have been just what might be expected from the causes and the inspiration. What conception could an illiterate, narrow minded, plodding, *pragmatic* like Lord Kenyon, have formed of such a judicial mind as D'Aguesseau's or l'Hospital's? How utterly impossible was it for any man of that

\* By way of specimen of the studies no less elegant than profound of the great civilians, we extract the following passage from the *Dialogue des Avocats du Parlement de Paris* of Loisel, which contains some sportive Latin verses of this celebrated man

“L'autre conte est que Bariot s'étant depuis fait conseiller, était si amoureux de procez, qu'il prenait plaisir à faire attacher ses sacs par ordre en l'une de ses chambres lesquels il allait souvent visiter et compter avec autant de contentement que fait un laboureur ses troupeaux de moutons; ce que feu M. le chancelier de l'Hospital prist plaisir de représenter par ces vers.

Nam memini quemdam plenum gravitatis et annis,  
Burgundâ de gente senem, cui mille ligatis  
Inclusæ saccis pendebant ordine lites:  
Has omnes animi causâ semel omnibus horis  
Ille recensebat, minimumque putabat ad assem,  
Quid tandem lucri numero speraret ab illo:  
Ut pastor, cui mille boves in montibus errant,  
Quem ferat ex vitalis fructum, quem lacte reportet  
Presso vel liquido, quem denique matribus ipsis  
Subducit tacitus: nummo nec fallitur uno.

J'ay voulu, says M. Pasquier in the Dialogue referred to, apprendre ces vers par cœur, car ils le meritent bien; et veux que vous scachiez que c'est de luy qu'ils doivent être entendus.”

age, or we may add, of any subsequent age, trained for success in the English Courts, to have produced such a work as Grotius' *de Jure Belli et Pacis*? The materials of that noble monument of genius, learning and taste, were supplied by the same education which fitted its author to shine in professional and political life in his own country and times, but no man encumbered with such superfluous accomplishments could have risen into notice, much less to renown, as a lawyer in England. If Murray's wit, and Blackstone's comparatively moderate acquirements, were obstacles to *their* preferment, we ought not to wonder that the schools of the common law have never produced a Hugo Grotius. Now promotion of all sorts in England has almost uniformly awaited those only who have succeeded at the bar—and they only have succeeded at the bar who have thought of little else but promotion. A great special pleader has been in more request even than an eloquent advocate, and both were very much preferred before a profound and philosophical jurist. They ordered things differently in France—as we shall see.

There is certainly a broad and permanent distinction between practical and speculative talent, that must be, more or less, perceived and acknowledged every where. It is remarked in a valuable old monument of French legal literature,\* that professors of colleges, however learned and able, seldom succeeded even in the Parliament of Paris. So we have it upon the same venerable authority that neither Bodin nor Dumoulin—immense as was their learning—was distinguished at the bar. But it is impossible to compare the *plaidoyers* of the most celebrated French advocates with the arguments of counsel in the reports of English cases, without seeing that the skill required in these latter, must be acquired by a very different sort of training from that which formed the wisdom and elegance of D'Aguesseau. The necessity—unknown in a civil law court—of narrowing down a controversy to a single issue for the purpose of jury-trial, and the character of this sort of trial itself, have, no doubt, their share in producing this effect. But the excessive subtlety and technical rigour of the pleadings, and the forms both of practice and conveyancing, have done still more. Add to this, the endless intricacies of the law of estates—the opprobrium of a philosophic age—and the pedantic bigotry with which the *practitioners* who have found their way to the English bench, have followed precedents, however,

\* The *Dialogue des Avocats* just referred to in a note, edited with some other pieces by M. Dupin, Paris, 1818, vol. i. p. 333.

at variance with principle, and excluded the lights of foreign law, even when most clear and satisfactory. If such a man as Lord Mansfield had lived in the time of Lord Coke, the jurisprudence of England, without being, in any of its essential provisions, very materially altered, would have assumed a different external form and air. As it is, the shape impressed upon it in the times of school divinity is still clearly perceivable, and it is difficult to read the Abbé de Mably's criticism upon Dumoulin and Loyseau, without applying it to the author of the Commentary upon Littleton and his scholars and successors.\*

But if the civilians as a body of professed jurists, are to be preferred in respect of the philosophy of law, to the great men of Westminster-Hall, D'Aguesseau is, in this and in some other respects, entitled to the highest place even among the civilians. Not, that in the mere science of jurisprudence he has excelled them all. It would be manifestly extravagant to say so. France (to confine ourselves to her) has illustrious names to boast of in this, as in every other department of thought and knowledge. She has her l'Hospitals and her Lamoignons, her Domats and her Pothiers, her Cujas, and her Brissons, her Cochains and her Patrus. Of these great men some adorned the bar and the bench with whatever, in the character of the judge and the advocate, can invest the judgment-seat of an enlightened people with authority and dignity and commanding influence. Others filled the chairs of her

\* En lisant Dumoulin et Loyseau qu'on appelle par habitude les lumières du barreau, on a quelque peine à concevoir comment ils conservent leur ancienne réputation; elle devrait être un peu déchue, depuis qu'on met de la dialectique dans les ouvrages, qu'on raisonne sur des idées et non pas sur des mots, qu'on commence à connaître le droit naturel, &c. He goes on to say "Dumoulin, très supérieur à Loyseau était un très grand génie, c'était le plus grand homme de son siècle; mais il en avait plusieurs défauts, s'il renaissait dans le notre, il rougirait de ses erreurs et nous éclairerait." *Observat. sur l'histoire de France.* liv. iv. c. 3. in note. We quote these words by way of illustration merely—not as assenting to the justness of the strictures they contain. Of Dumoulin we know only what we have gathered from other writers—especially from Pothier, who frequently cites and discusses his opinions. The Abbé de Mably, though an able and learned man, was not a lawyer; and so is not to be regarded as a good authority on such subjects. D'Aguesseau pronounces Dumoulin "l'auteur le plus analytique qui ait écrit sur la jurisprudence." And M. Camus, speaking of the commentators on the Coutume de Paris, says, "Dumoulin le premier d'entr'eux, est au droit Français, ce que Cujas est au droit Romain." *Lettres sur l'étude du Droit Français*; lett. 4e. After declaring his Treatise on fiefs and rents to be an inexhaustible mine, in which all the principles of French law are contained, he proceeds to add: "On a reproché à Dumoulin qu'il est prolix; que ses périodes sont interminables, ses distinctions et ses limitations sans fin, &c. Ces reproches, le dernier surtout, annoncent des gens qui se sont contentés d'ouvrir Dumoulin." It is worth while to observe that Dumoulin was a great master of the Logic of the schools. It was his habit, says M. Camus, to discuss the *pour* and *contre* of every proposition—de mettre ce principe en *thèse*—and to decide, generally, according to the reasonings which he placed last.



universities with eminent usefulness in their own generation, and published works in which the leading minds of all nations have sought and found the helps of profound research and exact and comprehensive speculation. Yet we cannot but think that amidst the blaze of such a constellation, the star of D'Aguesseau shines forth with a glory all its own. He was an all-accomplished man. His mind and his heart were equally and perfectly well disciplined. He had received the sort of education which metaphysicians have mentioned as the best practical fruit of mental philosophy. All the powers and capacities of his intellectual and moral being, seem to have been cultivated with a view to its highest perfection. His was that harmony of character, the music of the well attuned soul, in which the Platonists in their dreams of that perfection make it to consist. Truth and beauty—eternal truth, the unblemished form of ideal beauty which can neither vary nor fade away—were never revealed in greater purity and loveliness to the vision of any man. In those admirable discourses—the *mercuriales*—of which we shall presently say more—D'Aguesseau, has embodied, so to speak, his conceptions of excellence, and not the mere naked conceptions, as a metaphysician might have done, but glowing with life, radiant with glory, clothed in such shapes and hues as genius is sure to bestow upon the objects of its “desiring phantasy.” His works are justly pronounced, by his last editor, one of the best courses of lectures on rhetoric and morals, that is any where to be found.\* Throughout the whole range of his inquiries—involving all the subjects that are most interesting to man as a social and responsible being—religion, ethics, jurisprudence, political justice and political economy, literature, metaphysics—the same enlarged views, the same refined criticism, the same sound judgment are every where displayed, in a style, which we cannot better characterise than by saying that it is in every respect worthy of the age of Racine and Boileau and Bossuet and Fenelon.

Henry Francis D'Aguesseau was born at Limoges on the 16th of November 1668. St. Simon says “his grand-father was a *maître des comptes*, and it is just as well to go no farther back.”† This *maître des comptes*, however, succeeded in marrying his children into noble families, and in transmitting to the subject of these remarks, through his son Henry D'Aguesseau an inheritance of virtue and honour, far better than the puerile

\* M. Pardessus. Discours Preliminaire, p. 23, et seq.

† Œuvres de St. Simon, v. ix. p. 1. Yet Thomas (Eloge Note I.) says, Du côté de son père, il descendait d'une ancienne famille qui a possédé des terres en Saintonge et dan l'isle d'Oleron, &c.

distinctions of rank which were so precious in the eyes of St. Simon, and which the present century has seen altogether exploded in France. Henry D'Aguesseau, father of the Chancellor, filled many important public offices with distinguished usefulness and reputation. While intendant successively of Guienne, Limousin and Languedoc, a paternal administration endeared him to the provinces which it made flourishing and prosperous. It were sufficient for his fame that he contributed very much to the accomplishment of that great work, the canal of Languedoc, and that amid the scenes of persecution and civil strife that preceded and followed the revocation of the edict of Nantes, he had wisdom, philanthropy and courage enough, to preach and even to practise toleration. In all the relations of life, he displayed the same unblemished and stern virtues; and it is difficult to conceive a more perfect character than his illustrious son has drawn of him, in an elaborate discourse—one of his finest compositions—written in exile, for the double purpose of strengthening his own resolutions by the contemplation of such an example, and of recommending it, in the most impressive and affecting manner, to the imitation of his children. “You will see in the following sketch”—it is thus that he speaks of this second Agricola—“a character always consistent with itself, and uniformly sustained from early youth to an extreme old age—a mind, comprehensive, fertile, luminous, as winning by its natural graces as it was admirable for its great elevation, so gifted as to be able to dispense with the help of labour, and yet so laborious that it seemed unconscious of its happy gifts—a heart full of sensibility, noble, generous, always occupied with the interests of other people, and never with its own, devoting itself to all mankind with a charity that knew no bounds but those which limit the wants of humanity—a man, simple and sincere, an enemy to all ostentation, humble even to excess, if it were possible for man to be too humble, respectable for his wisdom, venerable for his sanctity—in a word, a man adorned with every virtue, and whom, during the course of a long life, no word or deed ever escaped which was not inspired by reason and consecrated by religion.” The character of a father is not always important in a biography of his son, but the whole education of D'Aguesseau, in the proper sense of that most comprehensive word, was received under the eyes, the direction and the influence of this exemplary and wise man. In this respect he enjoyed the same advantage which the younger Pitt derived from the personal instructions of Chatham, and we must not wonder that

we find him, like that great man, at the early age of twenty-two, taking a decided lead among the sagest counsellors of France, in the Parliament of Paris, and pronouncing, from the parquet, discourses which are perfect models of their kind. It was at that age that D'Aguesseau was appointed, at the request of his father, to the place of third Avocat-Général in that court.

Properly to appreciate the merit of any man, it is indispensable that we consider, the condition of the art or profession to which he belongs at the period of his first essays in it. It is with this view that we quote the following passage from a discourse of M. Pardessus, prefixed to his edition of the works of D'Aguesseau.

“ Au moment où D'Aguesseau fût revêtu de la place d'Avocat-Général au Parlement de Paris, le barreau Français ne jetait point l'éclat dont il brilla peu de temps après.

“ L'éloquence de la Chaire, qu'un savant distingué trouvait au commencement du dix-septième siècle, si basse qu'on n'en pouvait rien dire, était arrivé sous Louis XIV. au plus haut degré qu'elle peut atteindre ; tandis que celle du barreau, qui avait commencé la première à sortir de la barbarie, était restée dans l'enfance et ne consistait que dans l'enflure, l'accumulation de citations de toute espèce, l'emploi sans discernement de toutes ces figures de rhétorique, dont la comédie des Plaideurs offre un tableau piquant.

“ Si Patru, qu'on ne saurait soupçonner d'être arrivé par le crédit des gens de cour, ou la bassesse des sollicitations, à siéger dans l'académie, auprès de Bossuet et de Fénelon, dut cette honneur à sa grande supériorité sur les autres avocats, quelle idée faut il que nous ayons de l'éloquence du barreau à cette époque.

On ne saurait cependant, comme l'ont fait quelques écrivains, s'en prendre à l'imperfection des études et au défaut d'instruction véritable.

“ Lamoignon et Domat s'élevant dans leurs écrits jusqu'à l'origine et à la raison des lois, avaient substitué la simplicité du style et la sagesse de la méthode, à la stérile abondance et à la savante obscurité de leurs dévanciers.

“ Il est donc plus simple de reconnaître que le même âge qui produit les hommes supérieurs dans un genre, en est quelquefois avare dans un autre. Les deux plus célèbres avocats du siècle de Louis XIV, Lemaître et Patru, méritaient sans doute, par rapport à leurs contemporains, le rang qu'ils occupaient.

“ Ils l'emportaient certainement sur leurs émules pour la science d'appliquer les lois, d'établir et de disposer les preuves ; ils ne manquaient même de force dans les raisonnements, ni quelquefois de chaleur ou de pathétique dans le style ; mais ils ne connaissaient pas ce bon gout qui fait vivre les productions de l'esprit ; ou s'ils l'ont connu, ils n'ont pas eu la force de quitter la route commune, et de secouer le joug des préjugés.” *Discours Préliminaire* xviii.

Although this account of the state in which D'Aguesseau found the eloquence of the French bar is probably somewhat exaggerated, we may safely affirm, that much was to be done in order to raise it to the standard of ideal excellence in the art.\*

“ Un jeune homme de ving-deux ans devoit faire une revolution complète. Elevé par un père qui connaissait le prix d'une éducation solide, admis, dès sa plus tendre jeunesse, dans la société de Racine et de Boileau, D'Aguesseau n'avait négligé aucune des études qui peuvent former l'orateur.

“ Nourri de tout ce que la poésie offre de plus riche et de plus brillant, l'histoire de plus solide et de plus instructif, les mathématiques de plus exact et de plus profond, la philosophie de plus grave et de plus élevé, l'éloquence de plus sublime et de plus gracieux, il fixa par ses premiers essais, les regards et l'admiration. Le public fut étonné et comme transporté par des discours qui réunissaient aux charmes de l'imagination, aux richesses de la science, à la noble simplicité du style, la force et l'autorité de la raison; et jamais prédiction ne fut plus vraie et mieux accomplie, que celle du fameux Denis Talon : *Je voudrais finir comme ce jeune homme commence !*

“ Chaque année multipliait ses succès et développait en lui les traits auxquels on reconnaît l'orateur jurisconsulte. Ce titre si rare lui fut déferé de son vivant; il en était d'autant plus digne qu'il n'en fut point ébloui, et l'on pouvait dire de lui comme de Caton, que *moins il cherchait la gloire, plus elle le suivait.*

“ Sa juste admiration pour les grands modèles l'avait amené à se former un style qui réunit les beautés particulières à chacun d'eux. On trouve dans ses harangues, la sévérité et l'énergie de Démosthène, le nombre et l'harmonie de Cicéron, la hauteur de pensées de Bossuet, et la douceur persuasive de Fénelon.

“ Ce qu'il a écrit sur la nécessité de se former par l'étude des grands écrivains, nedoit pas, moins que son exemple, encourager les jeunes athlètes du barreau à puiser dans ces sources de beautés immortelles. En voyant un homme qui né avec un génie véritable, s'honorait de suivre les exemples et les leçons des maîtres de l'art, ils se convainquirent que l'esprit ne suffit point; qu'il faut apprendre pour bien penser; savoir, pour bien dire; qu'il n'y a qu'une imprudente témérité à prétendre s'ouvrir une route nouvelle, et que c'est en marchant sur les traces des anciens qu'on parvient à les égaler.” *Ibid.* xx. xxi.

From the time that D'Aguesseau entered upon the office of Avocat-Général until his death—a period of sixty years—he was engaged in the highest judicial functions. Of this period, for somewhat less than ten years he continued in that office—for somewhat more than sixteen he was Procureur-Général—

\* We say exaggerated, because Voltaire, a judge above all exception, ascribes to Patru the high honour, of having been one of the earliest models of eloquence and purity in French, and having thus contributed much to improve the taste of the nation.—Siècle de Louis XIV.

during the remainder—including the time passed in exile, for he was twice *disgraced*—he was Chancellor of France. It is impossible to form a just estimate of some of the most important productions of his genius, without comprehending precisely the nature of these different offices and the duties which were incident to them. It is, again, not very easy to explain the functions of the *Avocat*, and *Procureur-Général*, without looking into the constitution of the Parliaments (as they were called) especially that of Paris. With this view we give place to the following passage from Mr. Butler's Memoir.

“ Speaking generally, in England, the judges of the royal courts are chosen from the barristers: all England would stand aghast at a different appointment. In France, no *avocat* or barrister was raised to the seat of a judge in a royal court. The wisdom of this arrangement is maintained by many respectable writers on the continent: ‘To us, and, as we believe, to every Englishman, it must appear preposterous in the extreme. Still, we are not to suppose that the French judges were unlearned, because they were not taken from the bar. They always went regularly through previous courses of civil and canon law, and studied systematically the written and unwritten laws of their country. On these, they afterwards underwent a solemn and serious examination; if they were found deficient, they were either remanded for a further examination, or were absolutely rejected. The first volume of the quarto edition of the works of the Chancellor D'Aguesseau contains a ‘Discourse’ addressed by him to his son ‘on the Study of the Laws.’ It shews the extensive reading and just views of the Chancellor; but so little of this Discourse is applicable to the study of the law of England, that, although we are thoroughly sensible of its value, we shall make no further mention of it in this place.

“ The close of the *fifteenth* century is described by the French writers as the golden age of the French magistracy. It is every where said, that the knowledge which the members of it possessed of the law, was at once extensive and profound, and that they were equally conversant in its theory and its practice; that they respected their profession, and were aware of the importance of a proper discharge of their duties; and that, while their undeviating attention and gravity convinced the lowest class of subjects that justice would be fully and impartially administered to them, they equally intimated to persons in the highest classes of society, that, in the scales of justice, rank was of no account.

“ At six o'clock in the morning, both winter and summer, the magistrates took their seats in court. At ten o'clock, the beadle entered the court, and announced the hour; they then went to dine. After dinner, they returned to their seats; at six o'clock, the business of the courts was closed; the rest of the day was devoted to their families: literary pursuits were their only relaxation. ‘To feel,’ says the *Abbé Gédoyen*, in one of his entertaining memoirs, “that magistrates were, in those days, more addicted than they are in our times, to profession-

al and literary studies, it is sufficient to compare the state of Paris at that time with its present state. At the time we speak of, the police of Paris was very bad; the city was ill built, and had not half either of the houses or the inhabitants which it now contains. The streets were ill laid out, excessively dirty, never lighted, and therefore, after dusk, unsafe. The only public spectacles were vulgar farces, after which the populace ran with avidity, but which all decent persons avoided. Their meals were frugal; there was nothing in them to attract company; the fortunes of individuals were small, and parsimony was the only means of increasing them. A coach of any kind was hardly seen; persons of high rank walked on foot, in galoches or small boots, which, when they paid a visit of ceremony, they left in the antichamber, and resumed when they quitted it. The magistrates rode on mules when they went to courts of justice, or returned from them. It followed, that when a magistrate, after the sittings of the court, returned to his family, he had little temptation to stir again from home. His library was necessarily his sole resource; his books his only company. Speaking generally, he had studied hard at college, and had acquired there a taste for literature, which never forsook him. To this austere and retired life, we owe the Chancellor de l'Hopital, the President de Thou, Pasquier, Loisel, the Pithous, and many other ornaments of the magistracy. These days are passed; and they are passed because the dissipation of Paris is extreme. Is a young man of family now destined for the law? Before he attains his sixteenth year, a charge is obtained for him, and he sports a chariot. With such facilities of going and coming, what a wish must there be to be in every place where pleasure calls! Consider only the time given, even by persons of decent habits of life, to music and the opera! What a subtraction it is from that portion of time which the magistrates of old gave to professional study and literature." pp. 22-26.

If there is one thing in human institutions which would be pronounced *a priori* more absurd than all others—if there is any thing which the common-law of the Anglo Saxon race may be said, without a figure, to abhor—it is the venality of judicial office. Yet strange to say, in the opinion of some able writers, this monstrous anomaly produced in France, effects the very reverse of what would have been anticipated in all sound speculation. That country, “so fertile of great men, in the sixteenth and seventeenth centuries,” says Hallam,\* “might better spare, perhaps, from her annals, any class and description of them than her lawyers.” This is an indisputable truth, and the paradox we have noticed, strange as it should appear, would not be stranger than many others, by which history teaches how hazardous and unsatisfactory all speculative reasoning in politics must forever be. We are aware that other

\* Mid Ages, v. i. 163.

wise men have reprobated and witty men ridiculed (as it was at once natural and easy to do) this feature of French judicature. Voltaire in his history of the Parliament of Paris\*—after stating that it was the Chancellor du Prat in the reign of Francis I. who, in order to raise money to resist the Swiss, excited against France by Leo X. offered for sale at public auction twenty offices of Counsellors (Judges)—goes on to shew the evil consequences of the innovation. He cites the instance of Genti, a treacherous clerk of Samblançay, Superintendant of Finances, who, to escape punishment for a piece of villainy in procuring the condemnation of his master, bought the office of Counsellor and afterwards became a President—but persisting in his iniquities, was, at last, degraded and condemned to the gallows by the parliament itself. And speaking of the *paulette*—a tax upon the income of judicial offices invented by one Paulet—he declares it to be perhaps the only stain upon the administration of Sully.† We have still higher authority than Voltaire's. It is D'Aguesseau's. In his "General Views as to a Reform in the Law," he pronounces the sale of offices "the source of almost all the disorders that creep into the administration of justice."‡ Yet a candid inquiry into its history will result in the conviction (to borrow once more the language of Mr. Hallam) that "the name of the Parliament of Paris must ever be respectable. It exhibited, on various occasions, virtues from which human esteem is as inseparable as the shadow from the substance; a severe adherence to principle, an unaccommodating sincerity, individual disinterestedness and consistency." Although merely a judicial body, it exercised a sort of legislative power by refusing to register the edicts of the monarch. It was at one time the only organ, and at all times a most effective auxiliary, of public opinion. It resisted even Louis XI. when he would have sacrificed the liberties of the Gallican Church by repealing the Pragmatic Sanction of his father—it resisted the abominations of the Regency when Law defrauded and ruined France, as well as the ridiculous pretensions of Cardinal Fleuri, with the Dull Unigenitus—and, at a period of far deeper and mightier agitation, it gave

\* p. 70.

† Ibid 215. "All those who had obtained judicial offices, paid every year the 60th part of their official income, in consideration of which their places were secured to their heirs, who could keep them or sell them to others, as they might assign a leasehold tenement."

This tax, he adds, was frequently altered afterwards—yet the disgrace of venality—la honte d'acheter le droit de vendre la justice—continued to his day.

‡ Œuvres, tom. xiii. p. 224. See also the preface to the Dialogue des Avocats, written by Claude Joly, grandson of Loisel, the author.

the first decisive impulse to the Revolution of '89, by demanding a call of the States General. We have seen in an extract just made from the work of Mr. Butler, that the close of the fifteenth (quite ~~sixteenth~~) century is described by French writers as the golden age of the magistracy. D'Aguesseau in his *Mémoires*, is perpetually dwelling upon the degeneracy of the bench in his times; and Voltaire, in a work already referred to, represents the Parliament of Paris, in the reign of Louis XV. as a set of young men, who found consolation in their disgrace, by condemning a cat to death in imitation of the sentence passed upon a dog in Racine's *Plaideurs*. Yet we have the unimpeachable testimony of Mr. Butler himself—from personal intercourse and knowledge—in favour of the magistracy of France, such as it was at the close of the last century.

“ With the magistracy of France in the last century, and their general habits, the writer of these pages was well acquainted. All were eminently decent, and a large proportion of them was edifying. Most were literary, or lovers of the arts. They collected men of learning or science round them. There were societies, amusements, and other scenes of gaiety, which a respectable portion of the other classes thought open to them, but from which the magistrates of France and their families thought their character excluded them. All the magistrates were loyal, but sincerely attached to the ancient constitution of their country. They were very attentive to the duties of their profession: they lived in their families; their relaxations were always suited to their character. Such were the Lamoignons, the D'Aguesseaus, the Pothiers, the Montesquieus, the Mallesherbes, the des Brossesses, the Seguiers, the Joly-de-Fleurys. It may be truly said, that the world has not produced a more learned, enlightened, or honourable order of men than the French Magistracy.” pp. 27, 28.

Montesquieu—many of our readers will doubtless be surprised to hear it—is an advocate for this sale of judicial offices. His observations are extremely judicious, and as they have a strong bearing upon the subject before us, we scruple not to make use of them. “ The sale of offices,” says he,† “ cannot exist in despotic States; as it is essential to despotism, that every officer should be liable to be, at any time, appointed or displaced at the mere will of the prince. It is proper in monarchies, since it makes the study of the law a kind of qualification, which otherwise the party would not be at the pains of acquiring, to enable him to hold a family dignity. It gives an early direction to duty, and tends to confer permanence on an order of great public use in the State. It is a just observa-

\* Hist. du Parlem. 236.

† Esprit des Loix. lib. v. c. 19.



'tion of Suidas, that by the sale of offices the Emperor Anastasius converted the empire into an aristocracy; Plato could not endure it. He declares it to be the same thing as if persons on ship-board should choose a pilot for money. But Plato is speaking of a republic of which the basis is virtue; we are speaking of a monarchy. There, if the sale of offices were not allowed by law, the greediness and avarice of the courtiers, would, in spite of the law, make them saleable. As the sales of them are now regulated by our laws, the chance of having them properly filled, is greater than if the nomination to them depended upon the mere will of the courtiers. Finally, such a way of advancing one's self by wealth, both inspires and sustains industry; and in a monarchy, every thing that excites noble families to industry, ought to be encouraged." We are inclined, after all, to subscribe to the justness of these remarks, as applied to the condition of the French people under the old régime. Montesquieu admits that such a system would not suit with the republican form of government—no more than jury-trial (which is not without its defects and anomalies) would suit with the condition of a servile or unenlightened nation. The truth is, that all abstract rules are wholly unsafe in such things, and an institution, excellent in one country, as being in harmony with the national character, might be absolutely intolerable in another. If honour was ever the principle of monarchical government, it was surely in France, and a seat in the Parliament was sought from precisely the same motives as a commission in the army, as a place of dignity and distinction. Add to all this, the important fact that it was a place attended with scarcely any other advantages but dignity and distinction. Salary, perquisites and *épices* (compliments made them by the parties) included, the official incomes of the judges did not equal the interest of the price paid for their offices, so that they not only administered justice gratuitously, but even, in some degree, at their own expense.

The Parliament of Paris, thus constituted, bore, we should think, some resemblance to the *Selecti Judices* of Rome. Such a court, without admitting of the animated popular eloquence addressed to juries in England and America, was evidently a less severe and pedantic body, than a bench of judges administering the common-law according to our ideas. There was more room for topics of persuasion—for the copiousness of philosophical discourse and the beauties of finished composition—in short, for the arts and embellishments of rhetoric, but a rhetoric sobered and chastened by the gravity of the subjects and occasions, and restrained by the rules of a well ascertained

science. An English reader of D'Aguesseau should bear this in mind. His style, which is the perfection of language, considered in reference to time, place and auditory, might otherwise appear somewhat florid and ostentatious.

Another observation, growing out of the composition of the Parliament, has a bearing upon the duties of the Avocat and Procureur Général—in the regular discharge of which, a large proportion of D'Aguesseau's works was composed. These great law-officers, besides representing the King in government-causes, as the Attorney and Solicitor General do in England, stood towards the Parliament in the relation of advisers and instructors. This was more especially the case with the Avocat-Général. It was his business to *sum up* the arguments on both sides of a question, and after putting them in the most favourable lights for the respective parties, and weighing them with a scrupulous criticism, to recommend to the adoption of the Court, the conclusion which seemed most agreeable to the law and the evidence. His function was, therefore, strictly judicial. His responsibility was even greater than that of the judges whom he advised. He stood alone—he was selected for his learning and ability, not advanced by accident or for money—he was required to give not merely an opinion, but reasons for it, and those reasons had to be stated and enforced in a public discussion. Such an officer was not unfrequently wanted in a body constituted like the Parliament of Paris, in which, as we have seen, many inexperienced, however well educated, young men had places by inheritance or purchase. The discourses called *Mercuriales*—of which eighteen delivered by D'Aguesseau are published in M. Pardessus' edition of his works—are a further and a still more remarkable illustration of this connexion between the King's law-officers and the tribunals of justice. These discourses were delivered either by the Procureur Général or one of his substitutes the *Avocats-Généraux*, at the opening of the *terms*. The institution seems to have been an ancient and solemn one. It appears to have owed its origin to an ordonnance of Charles VIII. in the year 1493.\* The object of it was the establishment of a regular censorship, to prevent or reform the abuses that might, otherwise, have crept into the courts. The discourses delivered on these occasions, were

\* (Euv. de D'Aguesseau, t. 9, p. 441. Mémoire sur l'affaire de M. le President de . . . . . His words are, Mais à l'égard de la première [ordonnance], elle n'établit que la règle de tenir les Mercuriales tous les mois dans les parlemens. pour la réformation des mœurs et de la discipline des officiers qui les composent.

neither more nor less than lectures read to the Parliaments, on various points of official character and duty, by the King's Counsel.\* The subjects of which D'Aguesseau treats in his, are the independence of the advocate—the love of the profession—the dignity of the magistrate, his manners, his justice, his firmness, his authority, &c.—discipline, patriotism, prejudice, talent and knowledge, greatness of soul, the employment of time. We shall submit to our readers, hereafter, some specimens of these beautiful compositions, in which the author in his often repeated picture of a perfect magistrate, has only painted his own likeness.

The effects produced upon the mind of D'Aguesseau, by the exercise, during ten years, and those the first ten years of manhood, of such a function as we have just described, could not fail to be very sensible. The habits of thought and the style of speaking which it was apt to superinduce, may be easily inferred from the following remarks of M. Pardessus. We shall presently advert to another account of the same matter by M. de St. Simon.

“Les conclusions du ministère public diffèrent essentiellement des plaidoyers que les avocats prononcent dans l'intérêt de leurs clients.

“Le plaidoyer admet tout ce qui peut émouvoir, intéresser en faveur d'une partie ; il n'interdit pas même, pourvu qu'on se renferme dans de justes bornes, l'emploi de traits vigoureux, pour dévoiler et dénoncer à l'indignation des magistrats, la mauvaise foi, l'injustice d'un adversaire ; on d'une ironie qui livre au ridicule des prétentions exagérées ou absurdes.

“Impassible et sévère comme la loi dont il est l'organe, grave comme la puissance qu'il représente, l'Avocat Général doit fixer les véritables circonstances de la cause, si souvent dénaturées et tronquées dans les débats des parties ; mettre sous les yeux des juges l'analyse des moyens respectifs réduits à ce qui appartient à la contestation ; critiquer ou réfuter les principes faux ou hazardés ; rechercher et établir les véritables, proposer enfin les motifs qui lui paraissent les plus propres à déterminer le jugement.

“L'ordre et la clarté, sous le premier de ces rapports ; l'exactitude et l'impartialité sous le second ; la science du droit et la force du raisonnement sous le troisième, sont le mérite propre de ses conclusions.

“La nature des causes dans lesquels il doit être entendu, le titre de sa mission, annoncent qu'il a moins à s'occuper des intérêts particuliers, que des intérêts de la société dont le Roi qu'il représente est le conservateur nécessaire. Il ne doit pas être moins énergique et moins fidèle au but de son institution dans les procès des plus obscurs citoyens ou dans ceux qui semblent offrir le moins d'intérêt pécuniaire, que

\* Œuv. de D'Aguesseau, t. 1, p. 59. Deuxième Mercuriale. La censure publique.

dans ces causes où la fortune et le rang des parties, la réputation des avocats, la singularité et quelquefois, hélas, le scandale des faits, attirent la foule aux audiences qu'on nomme *solennelles*.

"Aussi, les vrais jurisconsultes recherchent-ils toujours avec empressement les recueils qui contiennent les conclusions des officiers chargés du ministère public.

"S'il eût été possible de rassembler toutes celles de D'Aguesseau, cette collection serait d'un prix inestimable.

"L'extrême facilité que lui donnait l'habitude des affaires, la science du droit, qui lui faisait trouver sur-le-champ, avec la solution convenable, les motifs qui devaient la justifier, lui procurèrent l'avantage de parler souvent sans avoir rédigé ses conclusions par écrit; et ce qui fut pour lui un titre de gloire, est pour nous un nouveau sujet de regrets." &c. *Disc. Prelim.* xxv.

The office of Procureur-Général (of whom the Avocat-Général was properly speaking only a deputy) though higher in point of dignity, was not so favourable to the display of D'Aguesseau's great talents as a public speaker. But if in that capacity he did not address the Parliament so frequently *vivâ voce*, his connexion with it was not less intimate or influential. If we may judge from what we read of that tribunal in the "Dialogue of the Advocats," the Procureur-Général, held it almost in a state of pupillage.\* The written opinions or arguments, called *requêtes*, presented to the court by D'Aguesseau while he filled that office, give one an exalted idea of his knowledge of that part of the law which came more especially within the sphere of his duties. All causes relating to the patrimony of the crown were the particular province of the Procureur-Général. This made it necessary that he should be profoundly versed in the feudal jurisprudence of France, and that jurisprudence owing to the multiplicity and importance of fiefs, was more intricate and complicated there, than in any other European kingdom. Able to represent the King, as lord paramount of all these perplexed tenures, his law-officer was required to be a perfect master of the history and antiquities of the realm—including the thousand little conditions and qualifications, local or otherwise, which had been imposed upon estates in their various deviations from the original

\* Speaking of the conduct of M. Noël Brulart, in the office of Procureur-Général, (conference 3e) Pesequier, says, "Il l'exerça avec une telle intégrité prend' homme et autorité, et a rendu sa mémoire si recommandable qu'elle a servi et servira d'exemple et de patron à tous ses successeurs Procureurs-Généraux: particulièrement en ce que venant de bon matin au Palais, il allait par les chambres voir si chacun faisait son devoir; et s'il trouvoit aucuns de Messieurs hors d'icelles causes ou allans de chambre en chambre, ils les regardoient de tel oeil, que sa seule contenance et gravité les faisoit retirer et contenir en leur devoir."

simplicity of the feud. Of the other duties of the Procureur-Général, it will be sufficient, for the present, to notice one. He was expected to furnish the King's ministers with *Mémoires* on projected changes in the law. In the exercise of this high function, the wisdom of the legislator, no less than the science of the jurist, was called for—and the general views of D'Aguesseau, in regard to legal reform, were worthy of his genius and philosophy.

Whoever considers the state of the law in France, at that time, will readily conceive "that nothing was more rare, than to find a man of whom it might be said, that he was master of the whole body of French jurisprudence."\* France was, in truth, so far as jurisdiction went, a mere confederacy of independent states. Many of the provinces, when they submitted to the crown, had expressly stipulated for the maintenance of their established laws and privileges. None of the courts was, properly speaking, supreme—that is to say, exercised an absolute control over the rest either by way of appeal, prohibition or otherwise. Although the Parliament of Paris was the most distinguished among them—although it had been for a long time the only royal tribunal, and there were still some cases in which its authority extended throughout the whole kingdom—yet its decrees (*arrêts*) could not be executed, within the jurisdiction of the other Parliaments, without a special edict or writ of "*pareatis*" from the monarch.† These courts had gradually acquired some share of legislative power by the part they were allowed to act in the formal promulgation of the laws. The King's mouth, like Jack Cade's, was the sovereign legislature, yet it was thought necessary (as it certainly was right and expedient) to have his edicts solemnly registered by the Parliaments. When these bodies thought a new law improper, they naturally expressed their dissatisfaction—at first they would register and then remonstrate—at length they remonstrated before they would register—and the whole power of the crown was sometimes necessary to subdue their contumacy. One obvious consequence of this singular institution, was to aggravate the Babylonish confusion of laws under which France laboured. The great distinction between the provinces north and south of the Loire into *pays de droit écrit*, and *pays de droit coutumier*—

\* D'Aguesseau, Œuv. tom. xlii. p. 200. Mémoire fait en 1715, sur la réformation de la justice.

† D'Aguesseau, tom. ix. p. 295. In the same Mémoire, (the title of which is *Sur les contrastes passés en pays étrangers*.) the author says, "Il serait bien plus avantageux aux étrangers et au royaume même, de décider la question par une déclaration générale que de la juger par un arrêt particulier, qui n'aurait d'autorité tout au plus que dans le ressort du Parlement." p. 300.

turning upon the prevalence of the Roman law on the one side, and the Teutonic customs on the other, and corresponding in some measure to the old national diversity between the *langue d'oc* and the *langue d'oïl*—was lost in endless subordinate differences. “The ordinances,” says M. Camus, “as well as the arrêts are scattered over a multitude of volumes; each province has its particular custom, sometimes diametrically opposite to that of a neighbouring province, and the same variety exists to a certain degree in the ordinances. Such or such an edict, registered at Paris, may not have been so at Toulouse or Rouen, and consequently will not be law there; or else, it may have been registered but with modifications which restrain its provisions.”\* The result of all this conflict of legislation and judicature may be strongly summed up in the words of D'Aguesseau himself: “that amid so great a variety of customs [and courts] the merits of the question were virtually disposed of, by the judgment which determined the competence of the tribunal.”†

While he was yet Procureur-Général, D'Aguesseau wrote for the benefit of his eldest son, a plan of studies proper to form the mind of the future magistrate. These instructions embrace the whole circle of learning sacred and profane, and contrast in every point of view except their elegance, not more strikingly than honourably, with the frivolous letters of Chesterfield, written for a similar purpose, some years after. That part of them which more immediately refers to the accomplishments and discipline necessary to prepare the young aspirant for the place of King's advocate, reveals the immense extent of knowledge put in requisition by its functions, and brought to the exercise of them by the experienced writer himself. Besides the whole body of the French law—ordinances, arrêts, customs general and local, practice and procedure—which we have already seen was a labyrinth of darkness, difficulty and confusion—it was indispensable that the officer in question should be thoroughly versed in the civil and canon law. In all these systems of jurisprudence, again, he was to be master of the public no less than of the private law. Thus, the relation in which the Gallican church, with its vaunted liberties, stood to the Pontifical throne, was a most interesting subject and ever fruitful of learned and profound discussion. So it was, as we have seen, with the public law of the kingdom itself—embracing an infinite variety of feudal tenures and services, all

\* Lettres sur l'étude du Droit Français.

† Préambule de l'ordonnance de 1731.

mediately or immediately connecting those who held or owed them, with the King, as sovereign or lord paramount. That D'Aguesseau was as familiarly conversant with every branch of this multifarious learning, as any single man—especially if he mingle in the affairs, and above all, the political affairs of the world—can be expected to make himself, no one will doubt who will be at the pains of reading his voluminous works. Of these works, the greater part are merely occasional; his *plaidoyers* and official correspondence alone filling many volumes. Yet even these may challenge a comparison, as to every sort of doctrine, with the most elaborate productions of speculative jurists. His unfinished treatise (unfinished in every sense of the word) on errors of law is an admirable piece of legal criticism. It is written (most of it) in Latin. The main object of it is to refute an opinion of Cujas founded upon the texts, by a comparison of other texts and reasonings on the analogies. But he goes into the philosophy of the matter, and shews that the doctrine of that first of civilians comes into conflict with several positions, every one of which is an admitted and fundamental principle.

In reading the works of D'Aguesseau, we find much that is obsolete. All the customary law of France—described by him as consisting in usage and precedent, rather than in immutable principles and conclusions deduced immediately from the rules of natural justice—has been obliterated forever by the Five Codes. It is no longer expected of any one but an antiquary, that he should read many volumes—rich with the spoils of time—which were once useful to advocates and judges—such as the Capitularies, the Establishments of St. Louis, the Assizes of Jerusalem, the *Anciennes Coutumes de Beauvoisis* by Philip de Beaumanoir, the *Somme Rurale* of Bouteiller, the *Decisions* of Jean Desmarés, and even Bracton and Littleton, the latter edited by M. Houard, as a repository of the old Norman law. The chasm is a terrible one, and it is appalling to reflect how much of the knowledge of a lawyer, whose studies have been principally confined to matters of positive legislation and local custom, may be swept away by a single repealing cause. But there is enough both of natural equity and immutable truth in the sixteen volumes before us, to make them an invaluable accession to the library of every student aspiring to the reputation of an accomplished jurist. We are firmly persuaded that jurisprudence is destined to attain, in this country, to a much higher degree of perfection, both in theory and practice, than is compatible with the situation of things and the character of the profession in England; but long be-

fore the dawn of philosophic light, which we believe to be opening upon us, shall have brightened into perfect day, the name of D'Aguesseau, with the kindred names of Domat and Pothier—his contemporaries, his friends and even his *protégés*—will be as familiar to us as those of Mansfield and Hale.

In 1717, upon the death of the Chancellor Voisin, the Duke of Orleans, then regent, immediately presented the seals to D'Aguesseau, at that time in his forty-ninth year. In this connexion we will venture to quote a well known passage from Thomas' *Eloge*—a specimen of eloquence not much to our taste, though not a great deal worse than the panegyrics of Pliny and Procopius, and commended to our approbation by the academic crown with which it was honoured.

“ Porté tout-à-coup dans une place qu'il n'attendait pas, ne désirait pas, mais dont il sent toute la grandeur, le nouveau Chancelier contemple avec un effroi mêlé de respect, le nombre et l'étendue de ses devoirs. En effet, qu'est-ce qu'un chancelier ? C'est un homme qui est dépositaire de la partie la plus importante et la plus sacrée de l'autorité du prince, qui doit veiller sur tout l'empire de la justice, entretenir la vigueur des loix qui tendent toujours à s'affaiblir, ranimer les lois utiles, que les temps ou les passions des hommes ont anéanties, en créer de nouvelles, lorsque la corruption augmentée, ou de nouveaux besoins découverts exigent de nouveaux remèdes ; les faire exécuter, ce qui est plus difficile encore que de les créer ; observer d'un œil attentif les maux qui, dans l'ordre politique, se mêlent toujours au bien ; corriger ceux qui peuvent l'être ; souffrir ceux qui tiennent à la constitution de l'état, mais en les souffrant, les resserrer dans les bornes de la nécessité ; connaître et maintenir les droits de tous les tribunaux ; distribuer toutes les charges à des citoyens dignes de servir l'état ; juger ceux qui jugent les hommes ; savoir ce qu'il faut pardonner et punir dans les magistrats dont la nature est d'être faibles, et le devoir de ne pas l'être ; présider à tous les conseils où se discute le sort des peuples ; balancer la clémence du prince et l'intérêt de la justice ; être auprès du souverain le protecteur et non le calomniateur de la nation. Tel est le fardeau immense que porte D'Aguesseau.”

In short—to condense all this rhetoric into two expressive old French phrases—as Chancellor of France, D'Aguesseau was now become “the mouth of the Prince,” and “the first man in the kingdom.”

His conduct in this exalted and responsible station was every way worthy of the reputation which he had acquired in that of Procureur-Général, and that is saying every thing.\* This is, so far as we know, the unanimous testimony of the French

\* With regard to D'Aguesseau's conduct as Procureur-Général, especially in the administration of the criminal law and the relief of the poor, see the 7th note to Thomas' *Eloge*.



writers, with the exception of St. Simon. But (to borrow the language of M. Pardessus) after pronouncing him the most eloquent, the most learned, the most upright, and the wisest magistrate of the age, we should have to add to our encomium still rarer traits, if we would do justice to D'Aguesseau. With the science of the lawyer he combined the enlarged views, "the prophetic eye" of the legislator, and with all the qualities that adorn the ermine, he possessed the spirit of self-sacrifice, which exalts them into heroic virtue. He inculcated the necessity, and, so far as it was practicable at that time, set the example of reform in the law, with the double purpose of making it more perfect in itself and uniform throughout France. A great number of edicts, worthy of the legislation which produced the *Ordonnance de la Marine*, were issued from the throne at his instance, correcting abuses both in principle and practice. That his reforms were not complete and radical—that he did not project such a code as has been since completed, under the auspices of Bonaparte—must be ascribed to the situation of France. Such a scheme, however desirable and even necessary, amidst the conflict of law and jurisdiction already described, would have been quite chimerical at any period anterior to the sitting of the Constituent Assembly.

But the point of view in which D'Aguesseau appears to the greatest advantage—the occasion on which he displayed the glory and perfection of the judicial character—was in resisting the Regent and his sybaritical and unprincipled court, in measures conceived in the very wantonness and, if we may so express it, drunkenness of despotic power, and fraught with infamy and ruin. The story of Law and the Mississippi scheme is too well known to be repeated here. D'Aguesseau had the firmness to do all that he could to open the eyes of the prince and the people to the terrible consequences—the wide spread bankruptcy, the sudden revolutions in fortune, the fraud, the immorality, the desolation and despair—which would be inevitably produced by that disastrous project. He was ordered into exile. He obeyed without a murmur, but in the repose of his rural solitude and the leisure which banishment afforded him, he composed for the instruction of his fellow citizens, two papers upon the engrossing subject of the day, worthy, even now, of the profound attention of the philosopher, statesman, and jurist. The compositions we allude to are the *Considérations sur les Monnoies*, and the *Mémoire sur le commerce des actions de la compagnie des Indes*. The latter strikes us as the more masterly performance of the two, though both are admirable and contain, as M. Pardessus justly remarks, principles of political

economy truly extraordinary in an age when the very name of that science was unknown in France. We do not think that this discussion of the morality of stock-jobbing, will suffer by a comparison with any work involving the principles of moral obligation or natural law, that any age has produced. Nor are the views of the policy of society, in regard to currency, credit, &c. less just and profound. It is inconceivable to us how Voltaire, with these evidences of statesman-like wisdom and ability before his eyes, could speak of D'Aguesseau as "un homme 'élevé dans les formes du palais, très instruit dans la jurisprudence, mais moins versé dans la connoissance de l'intérieur, 'difficile et incertain dans les affaires.'" The *mémoire sur le commerce des actions* is rather better than any political product of "the manufacture of Ferney."

Amidst the consternation occasioned by the failure of the Mississippi scheme, D'Argenson, who had succeeded to the place of D'Aguesseau with the title of Vice-Chancellor, was compelled to retire in disgrace, and the latter, in obedience to the universal voice of the public, was recalled and restored to power. Voltaire censures him for consenting to resume the seals while Law was still at the head of the Finances. His language is as follows:—

"Lass (Law) lui porta la lettre de son rappel, et D'Aguesseau l'accepta d'une main dont il ne devait rien recevoir. Il était indigne de lui et de sa place de rentrer dans le conseil quand Lass gouvernait toujours les finances. Il parut sacrifier encore plus sa gloire en se prêtant à de nouveaux arrangements chimériques que le Parlement refusa, et en souffrant patiemment l'exil du Parlement, qui fut envoyé à Pontoise. Jamais tout le Parlement n'avait été exilé depuis son établissement."

It is not unimportant to remark, as to the banishment of the Parliament, that according to the testimony of Voltaire himself, their opposition to the Bull *Unigenitus* had at least as much to do with that catastrophe, as their hostility to Law's system. The registry of the obnoxious Bull was a favourite project of the Secretary of State, Dubois, who was countenanced by the Regent himself. D'Aguesseau, it seems, made no objection to it, and this, too, Voltaire, as was very natural from his vehement hatred to every thing connected with the Church of Rome, denounces, in the Chancellor, as an abandonment of all his principles, and an act of disgraceful suberviency to Dubois. We are no advocates of the Bull *Unigenitus*,

\* Hist. du Parlement, p. 276.

† Hist. du Parl. p. 296.

but having read D'Aguesseau's *Réquisitoire*, while he was yet Avocat-Général,\* for the registering of another Bull—that which condemned Fenelon's book of the “Maxims of the Saints”—we can see nothing inconsistent with the analogy of his conduct and character, still less any thing evincing a want of principle, and least of all, a base subserviency to the insolent upstart at the head of the department of State, in his barely acquiescing in the sentence passed upon the Parliament, whose course he probably disapproved, and whose fate he certainly could not have averted. The charge of obsequiousness or timidity in regard to Dubois appears to us totally unfounded. We want no other testimony to this point than that of Voltaire himself. He mentions that in 1722, when the Duke of Orleans allowed Dubois, then Cardinal and Prime Minister, to take precedence of the Princes of the blood, the Chancellor resolutely resisted the indignity, and rather than abandon his pretensions, consented to be disgraced a second time, and to retire to his solitude at Fresne. The words of the historian are as follows:—

“Le jour que Dubois vint prendre séance, le Duc de Noailles, les maréchaux de Villeroi et de Villars, sortirent, le Chancelier D'Aguesseau s'absenta. Le Chancelier et le duc de Noailles tinrent ferme. D'Aguesseau soutint mieux les prérogatives de sa place contre Dubois qu'il n'en avait maintenu la dignité lor squ'il revint à Paris à la suite de l'Ecoissais Lass. Le resultat fut qu'on l'envoya une seconde fois à sa terre de Fresne.”

And there, Voltaire adds, he was, for several years, utterly forgotten by the public. That a fallen minister should be forgotten by the public, is no very marvellous phenomenon at any time, but it should not be forgotten by our readers that the public of that day in France was not exactly the same that it is now. It is not by any means so remarkable that a Court and a City dissolved in pleasures and governed by *calembours* and *vaudevilles*, should not always think of a venerable lawyer whose mode of life was a silent reproof upon their own, as that they were sure to think of him in times of emergency and trouble. As for the Chancellor's returning to Paris *à la suite de l'Ecoissais Lass*, it may be good pleasantry, but we can see nothing very humiliating in the situation, and still less any thing very censurable in his conduct. Such a return looked much more like a triumph than a disgrace. It was sending Varro to beg pardon of Fabius. Law, who had been the oc-

\* Œuv. toin. 1e. p. 268. This was in 1699.

† Voltaire. Ubi supra, 292.

casion, and probably the author of D'Aguesseau's *disgrace*, (the French for a *fall from power*,) was despatched, in the name of the Regent, the Ministry, the Court, the whole people, to make the *amende honorable*, and to beseech him, or command him (if the phrase be preferred) to return to his post and save a sinking State. What was it the part of a virtuous man to do—of a true patriot, not listening to the whispers of a morbid self-love, but consulting his sense of duty? Had he any option at all? Hale consented to administer the law under Cromwell, and Milton wrote a sonnet in his praise; and in citing these examples, we think we may safely affirm that we vouch the two men of all time in whom the dignity of human nature suffered least from the perils and temptations of misfortune. The truth is, that by far the most difficult problem that can be proposed to a good man is, how far he is bound to submit to those who abuse or have usurped the government, in order to serve his country—or to abandon and even to embarrass the service of the country, in order to defeat and to overthrow her domestic tyrants. It is a question not to be reduced to any general rules; and which it is far more desirable to discuss in the conduct of others, than to have to decide for ourselves in our own.

We are the more inclined to discredit the statements, or rather the inferences, of Voltaire, because St. Simon charges D'Aguesseau with a fault, the very reverse of subservieney to the Court and indifference to the interests and dignity of the Parliament. St. Simon, like the philosopher of Ferney, was given to sacrifice, without much scruple, precision of language and the truth of facts to point and pleasantry; but his tastes were those of a courtier and a man of pleasure, and the bigotry of his attachment to established institutions was quite equal to the revolutionary fanaticism of Voltaire. The presumption is in favour of any one whom they censure for opposite faults. It shews that he has probably hit the precise line of duty—the *juste milieu* in which all propriety of sentiment and all rectitude of conduct consist.

Let us hear what the lively writer in question says of the Chancellor.

“D'Aguesseau, de taille médiocre, était gros avec un visage fort plein et agréable jusqu' à ses dernières disgraces, et toujours avec une physionomie sage et spirituelle, ayant un œil plus petit que l'autre.

“Il n'a jamais eu voix délibérative avant d'être Chancelier : on se piquait au Parlement de ne pas suivre ses conclusions par une jalousie de l'éclat de sa réputation dont il n'a joui qu'à sa mort, cette jalousie l'ayant emporté sur l'estime intérieure qu'on était obligé d'avoir pour lui : il avait beaucoup d'esprit, d'application, de pénétration, de savoir

en tous genres, de gravité de magistrature, d'équité, de piété, d'innocence de mœurs qui firent le fond de son caractère; on peut dire même que c'était un bel esprit et un homme incorruptible; avec cela il fut doux, bon, humain, d'un accès facile et agréable, et dans le particulier, avec de la gaieté et de la plaisanterie salée, mais sans blesser personne; extrêmement sobre, poli, sans orgueil et noble sans la moindre avarice, naturellement paresseux, dont il lui était resté de la lenteur.

"Qui ne croirait qu'un magistrat, orné de tant de vertus et de talens, dont la mémoire,\* la vaste lecture, l'éloquence à parler et à écrire, la justesse jusque dans les moindres expressions des conversations les plus communes, avec des grâces, de la facilité, n'eût été le plus grand Chancelier qu'on eût vu depuis plusieurs siècles?"†

Every body would think so of course. We do not remember to have read a more flattering panegyric compressed within the same number of lines. The laboured and pompous eulogy of Thomas has not done half so much to exalt the character of a man whom it was his ambition to praise, as this rapid and careless sketch from the hand of a professed and rather censorious critic. We must submit the other side of the picture to our readers, but we think they will agree with us that the qualifications are neither weighty nor well founded enough, seriously to diminish the lustre of the whole character.

"Il est vrai qu'il aurait été un premier président sublime; et il ne l'est pas moins que devenu chancelier, il fit regretter jusques aux d'Aligre et Boucherat; ce paradoxe est difficile à comprendre; il se voit pourtant à l'oeil depuis trente ans qu'il est chancelier, et avec tant d'évidence que je pourrais m'en tenir là; un fait si étrange mérite d'être développé."

It certainly does. Let us hear and examine the account which the author gives of "so strange a fact." The first charge we have already adverted to—it is that the Chancellor, contrary to the duty of his station, always sided with the Parliament against the crown.

\* His memory was extraordinary. One of the notes (22) to Thomas' *Éloge* is as follows: "La lecture des autres poètes fut, selon son expression, *une passion de sa jeunesse*. Un jour il lisait un poète grec avec M. Boivin, si connu par sa vaste érudition: *Hâtons nous dit-il, si nous allions mourir avant d'avoir achevé!* Il avait une mémoire prodigieuse; il lui suffisait, pour retenir, d'avoir lu, une seule fois avec application. Il n'avait point appris autrement les poètes grecs, dont il récitait souvent des vers et des morceaux entiers. A l'âge de quatre vingt-un ans, un homme de lettres ayant cité peu exactement devant lui une épigramme de Martial, il lui en récita les propres termes, en avouant qu'il n'avait point vu cet auteur depuis l'âge de douze ans. Il répétait quelquefois ce qu'il avait seulement entendu lire. Boileau lui ayant un jour récité une de ses pièces qu'il venait de composer, M. D'Aguesseau lui dit tranquillement qu'il la connaissait et sur le champ la lui répéta toute entière."

"La longue et unique nourriture qu'il avait prise dans le sein du parlement l'avait pétri de ses maximes et prétensions, jusqu' à le regarder avec plus d'amour, de respect et de considération que les Anglais n'en ont pour leur parlement; et je ne dirai pas trop, quand j'avancerai qu'il ne regardait pas autrement tout-ce qui émanait de cette compagnie, qu'un fidèle, bien instruit de sa religion, regarde les décisions des conciles œcuméniques.

"De cette sorte de culte naissait trois extrêmes défauts qui se montraient très-fréquemment. *Le premier qu'il était toujours pour le parlement*, quoi qu'il pût entreprendre contre l'autorité royale, ou d'ailleurs audelà de la sienne; tandis que son office, qui le rendait le supérieur et le modérateur des parlemens et de la bouche du Roi à leur égard, l'obligeait à le contenir quand il passait ses bornes, surtout quand il attentait à l'autorité du Roi; alors son équité et ses lumières lui montraient bien l'égarement du parlement; mais de la réprimer, était plus fort que lui.

"La mollesse secondée de cette sorte de culte dont il l'honorait, était peignée et affligée de le voir en faute; mais de laisser voir qu'il y fût tombé, c'était un crime à ses yeux dont il gémissait de voir souillées les autres et dont il ne pouvait se souiller lui-même.

"Il mettait donc tous ses talens à pallier, couvrir, excuser, donner des interprétations captieuses, à éblouir sur les fautes du parlement; à négocier avec lui d'une part et avec le Régent de l'autre; à profiter de sa timidité, de sa facilité, de sa légèreté pour tout émousser, tout énerver en lui; en sorte qu'au lieu d'avoir dans le magistrat un ferme soutien de l'autorité du Roi, et un vrai juge des justices, on en tirait à peine quelque bégaiment forcé, qui affaiblissait encore le peu à quoi il avait pu à peine se résoudre, et qui donnait courage, force et hauteur au parlement; et si quelquefois il s'est expliqué avec lui en d'autres termes, ce n'était toujours qu'après un long combat, et toujours bien plus facilement qu'il n'était convenu de faire."

So saith M. de St. Simon, Duc et Pair de France. Now it does appear to us that this first censure is almost the only compliment which could have been added to the comprehensive penegyric that precedes it. The standing reproach against the continental lawyers was a servile spirit, a repugnance, not to say hostility, to all institutions favourable to public liberty which they confounded with license and anarchy. Their maxims were those of the imperial law. In the Byzantine court, and even earlier, the image of oriental despotism had been impressed upon a system of jurisprudence, of which one of the great founders was the stern Labeo—a republican uncorrupted by the arts, unsubdued by the power of Augustus—and the will of the Prince was recognized as the only true source of legislation. In this school were educated the lawyers whom the kings of Europe employed gradually to undermine the power of the feudal barons. The privileges of these lords were de-

nounced as usurpations upon the prerogatives of Cæsar. The whole system of tenures—which, bad as it was, contained the germs of a wild liberty—was their abomination. The Civil and Canon Law furnished them with artillery for its destruction, and it was plied unsparingly and with tremendous effect. The French lawyers of the fourteenth and fifteenth centuries, frequently give their King the title of emperor and treat disobedience to him as sacrilege.\*

In this important particular our common lawyers boast a glorious superiority over the civilians. The feudal lords in England had never been strong enough to do more than ~~check~~ check the monarch, and it was one of their confederacies for this purpose, that resulted in the compromise or treaty, so well known and so worthy to be known, by the title of *Magna Charta*. The primitive spirit of Teutonic liberty was confirmed by this fundamental compact, and it was kept sacred, by the stubborn bigotry which wholly excluded the Civil, and very much restrained the Canon Law in that fortunate island. Through all subsequent times, the lawyers of England have been the stoutest champions of her liberties. Their defence of them has been, perhaps, somewhat deformed by the technicality of the profession,† but it has been conducted, on the other hand, with all its practical ability, its shrewd skill, its adherence to the forms of popular trial, its zeal for “common right” and the good old customs of the realm; and even its religious, and, it may be, superstitious veneration for established precedent, has contributed not a little, at once, to fortify their conquests against the throne, and to save them from the opposite and not less formidable perils of a mere revolutionary levity.

It is in the highest degree honourable to D'Aguesseau, that he should have incurred the censure of such a man as St. Simon, for such a cause as the love of liberty. It is the privilege of great men and of them only, to be above their age, above their profession, above the powers of the world. That this eminent civilian wished to limit the prerogative—that the minister resisted the caprices of his prince—that a Chancellor of France, in the court of the Regent, dared to expose the fraudulent stock-jobbing of Law, and to rebuke the upstart insolence of Dubois—is his best title to the admiration of men. It is a proof that the grandeur of his soul was equal to his eloquence and learning, and elevates the good citizen into a hero. The

\* Mably, iv. c. 2. note 10. and Hallam, ubi. sup. 160. The same thing was observed under Frederick Barbarossa in the contests of the twelfth century.

† Witness the discussions about the word “abdicate,” at the time of the Revolution.

most sublime of functions, beyond all comparison, is that of a judge, when the oppressed fly for refuge to the law, against "the brute and boisterous force of violent men." To look power—whether of one or of many—in the face—to despise the *vultus instantis tyranni*, and what is in some instances, a thousand times worse—the *civium ardor plangens jumentium*—to declare what the law is, to execute what the law prescribes, in times of trouble, when tyrants would abuse its powers, and clothe their unhallowed purposes in its venerable forms—is to achieve a greater victory than was ever won upon a field of blood, and to do the state more service than by the conquest of cities and provinces. But wo to the nation whose oracles "philippize"—whose judges take counsel of the rulers of the people—whose magistrates, would pervert, for the love or the fear of man, the unchangeable ordinances of the law! The conduct of Lord Coke in the case of the Commendams was worthy of him who drew the Petition of Right, and his answer to James that when the occasion occurred, he should do what would become a judge, deserves a place among the grandest sayings of the heroes of the earth.

The second defect with which D'Aguesseau is charged by St. Simon, was an overweening tenderness and respect for gentlemen of the *robe*, whose condemnation, it seems, he could never be brought to pronounce without the fullest evidence to convict them, and that, even though complaints were made against them by the first men of the land! We should think this partiality—or rather *prevention*—even if it did exist, quite a pardonable foible; but from the manner in which the accusation is preferred, there is room to suspect that the whole head and front of the offending was, that D'Aguesseau was not so convenient an instrument in the hands of the courtiers, as they could have wished.

"Un second *inconvenient* qu'on trouvait dans le personnel de D'Aguesseau était l'extension de ce culte particulier du parlement à tout ce qui portait robe, qui devait, selon lui, imposer le respect. Quoiqu'il fût, on ne pouvait s'en plaindre qu'avec la dernière circonspection; les plaintes n'étaient pas écoutées sans de longues preuves juridiquement ordonnées; avec cela même elles étaient rejetées avec grand dommage pour le plaignant, si grand qu'il fût, si elles n'étaient appuyées de la dernière évidence."

According to our ideas of criminal law, the language of this sentence, not only conveys no censure upon a judge, but the very definition and formulary of his duty.



The third charge made by St. Simon, is a superstitious attachment to mere forms, and a scepticism and irresolution extremely inconvenient in affairs, which destroyed the usefulness of the Chancellor at the council-board.

"Le Chancelier fit en deux ou trois occasions la tentative d'alléguer les formes au conseil des dépêches ; quoique vivant bien avec lui, je l'interrompis autant de fois et je combattis sa tentative : à chaque fois elle demeura inutile, avec un grand regret de sa part qu'il montra franchement.

"Le long usage du parquet avait gâté l'esprit à D'Aguesseau : l'état du parquet est de ramasser, examiner, peser, comparer les raisons de deux et différentes parties ; car il y en a souvent plusieurs au même procès ; et d'établir cette espèce de bilan avec toutes les grâces et les fleurs de l'éloquence ; sans que les juges sachent de quel côté l'avocat-général sera avant qu'il ait commencé à conclure.

"Quoique le procureur-général, qui ne donne ses conclusions que par écrit, ne soit pas exposé au même étalage ; il est obligé au même examen, au même bilan avant de conclure et cette continuelle habitude, pendant vingt-quatre ans, dans un esprit *scrupuleux en équité et en formes*, fécond en vues, savant en droit, en arrêts, l'avait formé à une incertitude, qui lui faisait tout prolonger à l'infini.

"Il en souffrit le premier c'était un accouchement pour lui que de se déterminer. S'il était pressé par un conseil de régence ou autre il flottait, errant sans se décider, jusqu'au moment d'opiner, étant de la meilleure foi du monde, tantôt d'une opinion, tantôt d'une autre, et il opinait à son tour comme il lui venait dans cet instant.

"Je l'ai dit du duc de Chevreuse, et le répète du chancelier : il conçoit un cheveu en quatre, aussi étaient ils fort amis. La vieille duchesse d'Estrées, Vaubrun, qui pétillait d'esprit, et son amie, fut pressée de lui parler pour quelqu'un ; elle s'en défendit par la canonnance qu'elle avait de ce terrain raboteux ; mais, madame, dit le client *il est votre ami intime : cela est vrai* dit-elle ; mais c'est *un ami travesti en ennemi*."

This last trait—we must remark by the way—and indeed the whole portrait of St. Simon, shews conclusively the incorruptible virtue, the unapproachable independence and elevation of D'Aguesseau, in the discharge of his official duty.

St. Simon goes on to account for these defects of character.

"Ces défauts venaient de trop de lumières, de vues, et de trop d'habitude au parquet : d'ailleurs il était homme savant, aimait les langues savantes, la physique, les mathématiques, et la métaphysique. A huis clos il faisait chez lui des exercices sur les sciences, avec ses enfans et avec des savans obscurs, et ils y passaient un temps infini, qui désespérait ceux qui avaient affaire à lui.

"C'était pour les sciences que D'Aguesseau était né ; il eût été, il est vrai, encore excellent premier président : mais à quoi il eût été plus propre, c'est d'être à la tête de la littérature des académies, de

l'observatoire, du collège royal et de la librairie : il eût eu affaire à des savaus comme lui et non avec le monde qu'il ne connut jamais, et dont, à la politesse près, il n'avait aucun usage.

"Voilà un long article ; mais je l'ai cru d'autant plus curieux, qu'il fait mieux connoître comment un homme, de tant de droiture, de talens et de réputation, est peu à peu parvenu à rendre sa droiture équivoque, ses talens pires qui' inutiles, à perdre sa réputation et à devenir le jouet de la fortune."

The reader must observe that these strictures of St. Simon refer not to the judicial, but to the political conduct of D'Aguesseau. He admits, as we have seen, his admirable abilities as a lawyer and his qualifications for the presidency of a court of justice. But as Chancellor of France, he was one of the most important members of the Council of State ; he was the official adviser of the monarch in the exercise of his legislative and executive functions ; the strength of will, the rapid sagacity, the adventurous spirit which leads on to fortune in the business of life, and especially public life, were almost as necessary to that high officer, as vast legal attainments and a comprehensive and enlightened understanding. Now, it was in these qualities—inferior in dignity and splendour, perhaps, but most effective in the world—that D'Aguesseau is charged with having been found wanting. His was not the scepticism of Lord Eldon—mere speculative scepticism : he was not at a loss what to *think* in a matter of science, but what to *do* in the affairs of life. What St. Simon says of him happens to have been said of two other great men, filling the same exalted office, and resembling D'Aguesseau, unfortunately, much more in intellectual abilities than in moral character. Mr. Pitt characterised Lord Thurlow in the Privy-Council, as proposing nothing, opposing every thing, and acquiescing in any thing, and Thomson sings of Bacon thus :

"————— Him for the studious shade,  
Kind nature formed deep, comprehensive, clear,  
Exact and elegant, in one rich soul,  
Plato, the Stagirite and Tully joined."

There is possibly some truth in what St. Simon says of D'Aguesseau, in this particular, and much reason in his way of accounting for it. But we are satisfied that he has greatly exaggerated the defect, however justly he may have described its effects in the long run, upon the fortunes of the Chancellor. The French are a vivacious people—the court was reckless and unprincipled even as a court, and it was an age distin-

guished above all others by frivolous pursuits, and the affectation of a sparkling, superficial cleverness, which passed for philosophy and wit. At such a period, it is not at all to be wondered at that D'Aguesseau—with his “rigour, and advice, with scrupulous head, and strict age and sour severity,” was voted a bore as soon as the panic about Law's paper-money was fully passed away, and the *bonne compagnie* restored to its wonted complacency and composure.

The saying of Chancellor Oxernstiern which is in every body's mouth, is true as far as it goes, but it does not go far enough. He ought to have told his son that he would see, not only with how little wisdom the world is governed, but with how little it must, in the nature of things, ever continue to be governed—another excellent reason for thinking, as we do, that the best policy of government is to do nothing. Figaro was not very much in the wrong when he affirmed that it had cost him more science and calculation to earn a bare subsistence than had been expended in the administration of the whole Spanish empire for the last hundred years,\* and his description of politics, as a profession, though a caricature, was *then* and is still—though not in the same degree—a likeness.†

The truth of the matter really is that there must be more or less of empiricism in the policy and the views even of the most philosophic statesman. We may talk of politics as a science, if we please, and there are doubtless some great leading principles which it is possible to ascertain and profitable to study. But, after all, the springs and causes which operate in human events are so mysterious, so multifarious, so modified by the slightest circumstances, the most subtle and shadowy influences, that nothing is more unsafe than a political theory. The test of accurate knowledge in matters of inductive science, is to be able to predict the effects of any given cause. In the collision of bodies, the mechanical philosopher can demonstrate all that is to ensue from the composition and the resolution of forces—a chemist, in his synthetical experiments, would be laughed at if he produced heat instead of cold, or lighted up a fire when he promised water—and there is not a half-witted astronomer in the pay of an almanac maker, but can calculate

\* Nôces de Figaro, Act. v. sc. 3.

† Feindre d'ignorer ce qu'on sait, de savoir tout ce qu'on ignore ; d'entendre ce qu'on ne comprend pas, de ne point voir ce qu'on entend : surtout de pouvoir au delà de ses forces ; avoir quelquefois pour grand secret, de cacher qu'il n'y en a point ; s'enfermer pour tailler des plumes et paraître profond, quand on n'est, comme on dit, que vide et creux ; jouer bien ou mal un personnage ; répandre des espions et pensionner des traîtres &c. voilà toute la politique ou je meurs. *Ibid.* Act. iii. sc. 5.

eclipses and the other phenomena of the sun, moon, and stars for the current year.\* But a politician should avoid prophecy as much as possible. Hume exemplifies this in the instance of Harrington, who thought he had found out the secret of all government, in the arrangements of property, and, on the strength of his discovery, ventured to affirm most confidently that monarchy could never be re-established in England. The words were scarcely written before the prediction was falsified by the restoration.

The knowledge of this truth—a consciousness of the fallibility and imperfection of human reason in matters of such immense public concernment—ought to impress even upon the most unthinking, a deep sense of responsibility and an unaffected self-distrust. But it does so happen that the finest minds, the minds best disciplined and practised in the investigation of truth, are most alive to this feeling—and that

‘Fools rush in where angels fear to tread.’

There is another line (of the same poet, we believe,) which condenses all that can be said on the subject.

‘Too rash for thought, for action too refined.’

This verse is a volume. It points out, with great precision, the distinction between the sublime genius which is fitted to excel in speculative philosophy, and the coarser and more common ability that leads to success in life, and fully explains how it happens that, as Voltaire expresses it, *c'est par le caractère et non par l'esprit qu'on fait fortune*. We have no doubt that Dr. Channing is quite right in his estimate of the class of mind displayed by conquerors and usurpers. Nothing is so much overrated by an astonished world as the ability to do mischief in this way. Great revolutions in society are often brought about by very slender means. The supremacy of such an insignificant creature—such “a man-killing-idiot”—as Robespierre—the triumph of the Mountain-party over the talents, eloquence and patriotism of the Girondists—is a memorable lesson on that subject. But the Reign of Terror was as wonderful as the conquests of Alexander or Napoleon—indeed, it would, we rather think, strike a philosophic inquirer into the history of the species, as the more signal achievement and the more unaccountable phenomenon of the two. Yet that was brought about—and maintained—and overthrown—with just as little sci-

\* The changes of the weather, alas! defy his calculations—and *meteorology* is like politics. There is a laughable instance of a political prediction falsified in Moore's *Life of Byron*. Somebody had made a book about the Swedish constitution, which met with the same fate as Harrington's prophecy in the text.

ence and calculation as Figaro ascribes to the government of Spain. Cunning and confidence—the latter especially—these comparatively vulgar, and considered, *per se*, somewhat vicious qualities, explain the success of the first steps, and the first steps lead on to all the rest.

Qui sibi fidit dux regit examen.

While just men doubt, while wise men deliberate, bold and reckless men decide and do. They lead because they go on—they are believed because they affirm—they intimidate because they boast and threaten—and they are obeyed because they dare to command. M. Camus, who had excellent experience of the means of controlling the public will, has, in a work we have already referred to, a sentence which we cannot refrain from quoting. “J’ai bien des fois entendu l’amour-propre ‘donner d’autres leçons; dire qu’on maîtrisait les volontés, ‘qu’un homme habile conduisait les autres où bon lui semblait: ‘j’ai vu en effet, qu’avec de l’adresse on se formait un parti; ‘qu’avec des crimes on rendait ce parti dominant; qu’avec de ‘la terreur on étouffait les plaintes; qu’avec de l’effronterie on ‘obtenait des acclamations; mais j’ai vu aussi qu’ à la longue ‘tout s’usait, adresse, crimes, terreur, effronterie; et qu’al- ‘ors on périsait misérablement, étouffé de remords et chargé ‘de l’indignation publique.” This is the picture of usurpation every where. It succeeds more by the qualities it has not, than by those it has—by want of the foresight which reveals the hazards of an enterprise, by want of sensibility to the evils that may result from it, by want of scruple as to the means necessary to accomplish it. Add to these negative endowments some address in winning men, and a great deal of good luck, which passes for sagacity, and a nation is at the foot of the adventurer and a diadem upon his brow. The 9th Thermidor, and the 18th Brumaire, and every other day (or nine out of ten of them) in the calendar of revolution and ambition, are accounted for in the same way. Demosthenes inculcates upon the Athenians that fortune does much, yea, every thing in the affairs of men, and Warburton records a saying of Cromwell, which is very much in point here, viz: “that a man never riseth so high as when he doth not know whither he goeth.” Cromwell was authority on that point.

D'Aguesseau himself furnishes us with a fine illustration of our views. He is writing, in the “Discourse on the Life and Death of M. D'Aguesseau,” of the cautious scepticism of his father.

" J'ai connu des esprits vifs et ardents qui regardaient cette attention surprenante de mon père, comme une espèce de défaut ; ils l'accusaient de pêcher par le désir même de la perfection, et de tomber par là dans une lenteur qui faisait trop attendre les fruits de ses travaux. D'autres attribuaient cette lenteur apparente à la perplexité d'un esprit indécis, qui par un excès de lumières ou de scrupule, hésitait longtemps avant que se déterminer, et rendait sa marche trop longue, pour vouloir la rendre trop assurée. Ainsi parlaient quelquefois des ministres d'un génie plus prompt que solide, qui ne trouvaient pas que mon père les servît toujours au gré de leur impatience.

" A la vérité, il ne se livrait pas volontiers à cette vivacité vraiment française, qui avait fait de si grands progrès en son absence ; et au lieu que ces nouveaux ministres mesuraient souvent le mérite de l'ouvrage par la diligence de l'ouvrier, il était encore dans la vieille erreur, si c'en est une, qu'on travaille toujours assez vite, lorsque l'on travaille assez bien. Il aimait à passer par le doute pour arriver plus sûrement à la décision ; mais ce n'était pas un doute oisif qui vient de l'embarras ou de l'obscurité de son esprit, c'était au contraire, un doute agissant, un doute d'examen, de recherches, de méditations, qui le conduisait à une plénitude de lumières, et à une sûreté presque infaillible de jugement. Si elle était quelquefois différée, on y gagnait même du côté du temps. Les projets des autres paraissaient finis plutôt que les siens ; mais il ne l'étaient pas, il fallait y revenir plusieurs fois, y changer, y suppléer, en retrancher, et, souvent par des difficultés qu'ils n'auraient pas prévues, recommencer l'ouvrage dans le temps qu'on le croyait fini. Ceux de mon père lui coûtaient plus de peine, mais ils n'en coûtaient qu'à lui : ils étaient si bien digérés et si solidement construits, qu'on eût dit qu'il travaillait pour l'éternité, et lorsque l'on comparait le temps qu'il fallait perdre à redresser les vues des autres, avec celui que mon père employait utilement à porter d'abord les siennes à la perfection, on trouvait que sa lenteur avait été beaucoup plus diligente que leur promptitude, et l'on était forcé de reconnaître avec lui, que le seul moyen de finir promptement un ouvrage, c'est de le bien finir.

It is evident from the style of the censure, as well as the character of the critic, that St. Simon's objection to D'Aguessseau's want of decision, proceeds in no small degree from the levity and impatience of a courtier—especially of that age and nation. Perfectly reckless about consequences, himself, he made no allowance for the scruples of a conscientious, or the doubts of a wise man. At the council-board of the Regency where such persons as Law and Dubois sat,

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in a ring  
Of mimic courtiers and their merry king—

the Chancellor was altogether out of place. That he should be perplexed by the tortuous policy of a gang of political libertines—that he should be embarrassed by a perpetual conflict be-

tween the right and the expedient, and should be often at a loss to determine how far his duty as a subject and a minister (under a despotism) called upon him for the sacrifice of his private feelings and opinions—especially in matters of no very great moment—is not at all to be wondered at. But we have the express testimony of St. Simon himself, that the conduct of D'Aguesseau was innocent and his virtue incorruptible—and the course which he pursued, in relation to by far the most important political measure of the times, gives no shadow of countenance to the imputation attempted to be fixed upon him.\* His resistance to the Mississippi-scheme was, as we have seen, prompt, decided, and uncompromising, and we venture to affirm, that there was not to be found in all France at that time, a single individual but himself, who could have justified his hostility to that wild project, by such triumphant and unanswerable reasonings as those contained in the pieces we have already noticed. Yet we think it very possible that St. Simon's criticism (and Voltaire says something of the same kind) may be, to a certain extent, just, as it certainly is plausible. The habit of discussing most questions *pour et contre* for nearly thirty years—the delicacy of a most scrupulous conscience—the very fertility of his mind and the forecast that presented to it all possible consequences of “coming events,” together with the uncertainty inherent in the nature of political subjects—were well calculated to produce such an effect. Still it is, no doubt, an imperfection in character; and so far as he was justly chargeable with it to any serious degree, D'Aguesseau must yield the palm to the only other Chancellor of France who fills the same space in the eyes of the world, the deservedly celebrated de l'Hospital. The conduct of this great man, as a minister of the crown in the most trying and tempestuous times, was as admirable, as his scholarship, his knowledge of the law and his general abilities and wisdom. One thing, at least, is most certain, that D'Aguesseau's influence over the minds of men in his lifetime, was not by any means equal to l'Hospital's, in an age when the subtlety of Italian politics, the insolent ambition of the Guises, a *League* that overshadowed the throne,† and the infernal spirit of civil war and religious persecution conspired to make France a scene of horrors only to be paralleled by her own recent history.

\* Cf. Thomas' Eloge. Note 10, for another instance of his self-devotion.

† One of de l'Hospital's wisest and boldest measures was the abolition of the *confréries* or fraternities, by which the Cardinal de Lorraine was contriving to supersede the constituted authorities of France, and subject her to the control of the League—to wit, that of his own haughty house.

As to D'Aguesseau's alleged scrupulousness about mere forms, this is another consequence, and no very unusual one, of professional habits. But here, too, a medium must be observed. To sacrifice the substance of things to punctilios of this kind, to be at a loss in affairs where reason and principle alone must be our guide, and to be forever endeavouring to reduce the business of life within the formulary of a notary's office, is the worst sort of pedantry and totally unfits a man for public administration of any sort. But to despise all forms, as it is plain M. de St. Simon does, is the very spirit of despotism. Forms are, to be sure, inconvenient things to men in power—they create delay, they favour defence; they protect liberty. The administration of the law in England errs by the excessive complication in procedure and practice—but it is a great deal more to our taste than the summary mode of executing the will of a Cadi, with which the subjects of the Grand Seigneur are blessed.

We would willingly give a more particular account of the writings of D'Aguesseau—but the length to which these remarks have already run out, admonish us to bring them, as speedily as possible, to a close. We cannot consent to do so, however, without briefly adverting to some of his works, not hitherto mentioned, and making a few extracts from others, by way of specimens. The *Méditations Métaphysiques* and the *Essai d'une Institution au Droit Public*, shew how profoundly and systematically he had reflected upon the principles of universal law. The subject of the former is the origin of our ideas of justice and injustice. Originally intended only as an answer to the inquiries of a friend, the speculation grew under his hands, to the size of a thick octavo volume. It is a masterly disquisition, and gives colour to St. Simon's opinion that D'Aguesseau would have shone most in academic pursuits. The other dissertation is of the same cast. It treats of the duties of life—the duties, for instance, which man owes to himself, body and soul included—in a manner that strongly reminded us of the Stoical philosophers. A question discussed in it, is—whether the rules which an enlightened reason prescribes or rather reveals, touching our duties to God, to others and to ourselves, can be considered as *laws*, in the proper sense of that word. The author thinks that they may and endeavours to shew that these natural laws are enforced by appropriate and adequate sanctions—by the fear of an omniscient and almighty law-giver, by the terrors of conscience, by respect for the opinions and apprehension from the hostility of mankind, by the consequences to which a course of conduct, as a series of



moral or rather physical causes, necessarily leads, &c. Another remarkable composition is his *Réflexions diverses sur Jésus Christ*. This is an unfinished work. It presents, however, the outlines of a learned and exact inquiry into the evidences of Christianity, and an exposition of its true spirit and character.

We proceed to submit some specimens of the style of D'Aguesseau. We spoke just now of one of his speculations which strongly suggested to us, those of the Portico. A part of the following extract is quite Platonic, as the reader will perceive. It is taken from the fourth *Mercuriale*, delivered in the year 1700. The subject is the "dignity of the magistrate."

"Nous savons qu'il y a une dignité qui ne dépend point de nous parce qu'elle est en quelque manière hors de nous-mêmes. Attachée dans le jugement du peuple à la puissance extérieure du magistrat, avec elle on la voit croître, avec elle on la voit diminuer, le hasard nous la donne, et le hasard nous l'enlève. Comme elle ne s'accorde pas toujours au mérite, on peut l'acquérir sans mérite, on peut la perdre sans honte : et reprocher au magistrat de ne pas conserver cette espèce de dignité, ce serait souvent lui reprocher l'injustice du sort et le crime de la fortune.

"Mais il est une autre dignité qui survit à la première, qui ne connaît ni la loi des temps, ni celle des conjonctures, qui loin d'être attachée en esclave au char de la fortune, triomphe de la fortune même. Elle est tellement propre, tellement inhérente à la personne du magistrat, que comme lui seul peut se la donner, lui seul aussi peut la perdre. Jamais il ne la doit à son bonheur, jamais son malheur ne la lui ravit. Plus respectable souvent dans les temps de disgrâce que dans les jours de prospérité, elle consacre la mauvaise fortune ; elle sort plus lumineuse du sein de l'obscurité dans laquelle on s'efforce de l'ensevelir ; et jamais elle ne paraît plus sainte et plus vénérable, que lorsque le magistrat dépouillé de tous les ornements étrangers, renfermé en lui-même, et recueillant toutes ses forces, ne brille que de sa lumière, et jouit de sa seule vertu.

"Vivre convenablement à son état, ne point sortir du caractère honorable dont la justice a revêtu la personne du magistrat, conserver les anciennes mœurs, respecter les exemples de ses pères, et adorer, si l'on peut parler ainsi, jusqu'aux vestiges de leurs pas ; ne chercher à se distinguer des autres hommes, former son intérieur sur les conseils de la sagesse, et son extérieur sur les règles de la bienséance ; faire marcher devant soi la pudeur et la modestie ; respecter le jugement des hommes, et se respecter encore plus soi-même ; enfin mettre une telle convenance et une proportion si juste entre toutes les parties de sa vie, qu'elle ne soit que comme un concert de vertu et de dignité, et comme une heureuse harmonie dans laquelle on ne remarque jamais la moindre dissonnance, et dont les tons, quoique différens, tendent tous à l'unité ; voilà la route qui dans tous les temps nous sera ouverte pour arriver à la véritable dignité. On est toujours assez élevé quand on l'est au-

tant que son état. Les fonctions de la magistrature peuvent diminuer, mais la solide grandeur du vertueux magistrat ne diminuera jamais."

The manner in which the study of languages contributes to the formation of a correct taste, and a standard of universal or ideal beauty is well explained in a passage of the third "Instruction" to his son.

"Telle est la condition des ouvrages humains, parceque telle est aussi la condition des hommes, on n'y trouve aucun bien pur et sans mélange; mais le bon esprit consiste à connaître le mauvais, pour l'éviter, et à profiter du bon pour l'imiter; et au lieu de dire ce que Justin dit des Scythes, *plus in illis proficit vitiorum ignoratio quàm cognitio virtutis* je dirais volontiers, par rapport à ces auteurs, *non minus proficit exploratio vitiorum quàm cognitio virtutum*. C'est ce qui forme véritablement le goût; c'est ce qui épure la critique. Je trouve d'ailleurs, dans cette étude, des défauts de nation, et, pour ainsi dire, de climat, où un degré de soleil de plus change le style, aussi bien que l'accent et la déclamation; quelque chose qui étend l'esprit, qui le met en état de comparer les meilleures productions de chaque pays, qui le conduit ainsi et l'élève jusqu'à la connaissance de ce vrai, et de ce beau universel qui a une proportion si juste et une si parfaite harmonie avec la nature de notre esprit, qu'il produit toujours sûrement son effet, et qu'il frappe tous les hommes, malgré la différence de leur nation, de leurs mœurs, de leurs préjugés; en sorte que, pour se servir encore des termes de Platon, on pourrait le regarder comme l'idée primitive et originale, comme l'archétype de tout ce qui plaît dans les ouvrages d'esprit; et, c'est à mon sens, une des plus grandes utilités que l'on puisse tirer de la connaissance de plusieurs langues." Tom. 15e p. 98.

D'Aguesseau was educated in the school of Boileau and Racine. His taste was pure and classical; his mind was deeply imbued with the love of the beautiful, and he aimed, in his compositions, at perfect excellence, and in his studies, at profound erudition. This is, in short, the character of an Augustan age, such as that of Louis XIV. But when genius has had its day, that of *esprit* succeeds—a sort of brilliant, lively, second-rate order of mind—and the master-pieces of eloquence and art, with all solid learning and exact science, disappear, to make way for things better adapted to a frivolous and fastidious age. This was the case, at least, in France, during the eighteenth century, and D'Aguesseau admirably characterises the new school in several passages of the *Mercuriales* of which the following, is one.

"Semblable à ces arbres dont la stérile beauté a chassé des jardins l'utile ornement des arbres fertiles; cette agréable délicatesse, cette

heureuse légèreté d'un génie vif et naturel, qui est devenue l'unique ornement de notre âge, en a banni la force et la solidité d'un génie profond et laborieux : et le bon esprit n'a point eu de plus dangereux, ni de plus mortel ennemi, que ce que l'on honore dans le monde du nom trompeur de bel esprit. *Des causes de la décadence de l'éloquence.* (Discours III.)

"Que cette conduite est éloignée de celle de ces grands hommes, dont le nom fameux semble être devenu le nom de l'éloquence même !

"Ils savaient que le meilleur esprit a besoin d'être formé par un travail persévérant et par une culture assidue ; que les grands talents deviennent aisément de grands défauts, lorsqu'ils sont livrés et abandonnés à eux-mêmes ; et que tout ce que le ciel a fait naître de plus excellent, dégénère bientôt, si l'éducation, comme une seconde mère, ne conserve l'ouvrage que la nature lui confie aussitôt qu'elle l'a produit."

The following beautiful panegyric on the Civil Law illustrates the subject of our opening remarks.

"Ces règles, il est vrai, ont presque tous leur fondement dans le droit naturel ; mais qui pourrait remonter par le seul effort d'une sublime spéculation, jusqu'à l'origine de tant de ruisseaux qui sont à présent si éloignés de leur source ? Qui pourrait en descendre comme par degrés, et suivre pas à pas les divisions presque infinies de ces branches qui en dérivent, pour devenir en quelque manière, l'inventeur et comme le créateur de la jurisprudence ?

"De semblables efforts s'élèvent au-dessus des bornes ordinaires de l'humanité. Mais heureusement d'autres hommes les ont faits pour nous : un seul livre que la science ouvre d'abord au magistrat, lui développe sans peine les premiers principes, et les dernières conséquences du droit naturel.

"Ouvrage de ce peuple que le ciel semblait avoir formé pour commander aux hommes, tout y respire encore cette hauteur de sagesse, cette profondeur de bon sens, et pour tout dire en un mot, cet esprit de législation qui a été le caractère propre et singulier des maîtres du monde. Comme si les grandes destinées de Rome n'étaient pas encore accomplies, elle règne dans toute la terre par sa raison, après avoir cessé d'y régner par son autorité. On dirait en effet que la justice n'a pleinement dévoilé ses mystères qu'aux jurisconsultes romains. Législateurs encore plus que jurisconsultes, de simples particuliers dans l'obscurité de la vie privée, ont mérité par la supériorité de leurs lumières, de donner des lois à toute la postérité. Lois aussi étendues que durables, toutes les nations les interrogent encore à présent, et chacune en reçoit des réponses d'une éternelle vérité. C'est peu pour eux d'avoir interprété la loi des douze tables et l'édit du préteur, ils sont les plus sûrs interprètes de nos lois mêmes : ils prêtent, pour ainsi dire, leur esprit à nos usages, leur raison à nos coutumes ; et par les principes qu'ils nous donnent, ils nous servent de guide, lors même que nous marchons dans une route qui leur était inconnue. (XIII. Mercuriale.)"

There is a *Mercuriale* (the fifteenth) on the *firmness* required in the judicial function which we would, if we had space enough, transcribe at full length. But we must close this paper with the single observation, that as the defects imputed to the character of D'Aguesseau proceeded from an excess of knowledge and reflection, so his style has no fault except its faultlessness. *Le défaut de votre discours*, (said his father to him on some occasion) *est d'être trop beau ; il serait moins beau si vous le retouchiez encore.*

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ART. VI.—*Poems*. By WILLIAM CULLEN BRYANT. New-York. E. Bliss. 1832.

IT seems from the very modest preface of the author, that most of the following Poems have been already printed as occasional pieces. But for this information we should not have been aware of the fact, for although we have often heard Mr. Bryant advantageously spoken of, it has so happened that we have never, until the publication of this little volume, read any thing of his in verse. All that we know of him even now is, that he is an editor of one of the most respectable daily journals in the country, and the author of this pretty collection of poetry—the most faultless, and we think, upon the whole, the best collection of American poetry which we have ever seen. We beg leave to assure him, therefore, that we are extremely desirous to become better acquainted with him. To know more of his past history is within our own power—but it depends upon him whether we shall see as much of him hereafter, as it is undoubtedly his interest that we should. A writer who is capable of what he has done, is capable of a great deal more. The elements of poetical talent—in a certain department of the art—he unquestionably possesses in a high degree. Let him refine them by elaborate cultivation—let him combine them in a work, calculated to display the higher attributes of genius, by sustained invention and unity of purpose, and we

predict, with confidence, that he will entwine his name with his land's language and go down to posterity as one of the first, both in time and excellence, of American poets—and that, without the sinister assistance of such an auxiliary as Mr. Kettel.

It is not safe, perhaps to judge from mere fugitive pieces like these, in what particular style or class of poetry the author would most excel were he to attempt a longer and more adventurous work. We should think, however, that he were formed rather for the beautiful, than the sublime—rather for pensive tenderness than deep and harrowing pathos—rather for the effusions of fancy and feeling, than for the creations of a bold and fertile imagination. The love of nature in her gentleness and repose—the religion of twilight groves—the fond recollections of childhood, when it sported amid vernal flowers and of youth musing in the quiet of summer evenings, upon the banks of “haunted streams”—the first bloom and melody of spring, the first tinge of autumn upon the blighted foliage of the forests—all that inspires and nurses what the bard of the “Seasons” calls “the spirit of philosophic melancholy”—breathes from the whole face of the volume. We do not see why the author might not produce something worthy to be *classed*, at least, with Gertrude of Wyoming, and the Deserted Village. We do not mean to intimate that, from these specimens, we are ready to compare Mr. Bryant with Campbell and Goldsmith—but we think that he would most excel in that class of poetry to which the beautiful productions just mentioned belong—and we have no doubt that his excellence in that kind would be of no ordinary stamp. Whether it should be classical and finished, or of a less perfect kind, would depend upon two things about which Mr. Bryant is much better informed than we are—his previous acquirements and his capacity for future effort and excitement.

The diction of these poems is unobjectionable—and that is saying a great deal. It is simple and natural—there is no straining after effect, no meretricious glare, no affected point and brilliancy. It is clear and precise—Mr. Bryant does not seem to think mysticism any element of the true sublime, or the finest poetry at all inconsistent with common sense. It is idiomatic and racy—the language of people of this world such as they use when they utter home-bred feelings in conversation with one another around the fireside or the festive board, not the fastidious, diluted, unexpressive jargon used no where but in second-rate books, and called elegant only by critics of the Della Cruscan School. These are nega-

tive merits, it is true, but not the less solid and important on that account. To say of a writer that his language is simple, natural, precise, idiomatic—and to add of what he writes that it is poetical, is to pronounce him one whom the gods have made a poet and who can make himself what he pleases. This is to us the charm of Mr. Bryant's verses. They flow spontaneously from a heart softened by the most touching sensibilities, and they clothe themselves in the very language which nature has adapted, and as it were consecrated to the expression of those sensibilities. As to that more various, elevated, powerful and imaginative diction—itsself a *creation*, and the most dazzling of poetical creations—such as we read in Pindar and the Greek tragedians, especially Æschylus—such as we see in many parts of Shakspear, and in almost every line of Milton—there is none of it here—Ego apis Matinæ more modoque, &c.

Although we have pointed out what seem to us the most prominent characteristics of Mr. Bryant's poetry, there are some excellent pieces in this collection, to which the above description does not apply, as will appear when we come to make use of them in our extracts. These latter pieces fall under three distinct classes. The first resembles that of the old heroic ballad, such as abounds most and is to be found in greatest perfection, among the remains of the more ancient Spanish literature. There are some translations from that language that strike us (by analogy, for we do not remember to have read the originals) as admirably well executed. They are full of the life and soul of those spirited and lofty, though simple effusions of a heroic age. Some of Mr. Bryant's own verses, in the same style and measure, are particularly well done. Another set of pieces are in an elegiacal strain—though not properly elegies or monodies. They are the expression of feelings rather deeper than a mere poetical melancholy, and yet not deep enough to be very pathetic or tragical. There are two or three very lively little poems that form a separate and third class.

We cannot better express the interest we felt in the perusal of this volume, than by mentioning what occurred to us in preparing the passages we were to use in the way of quotations. This we did by turning down the leaves, but by the time we were at the end of the book, there were so many marks of this kind that they were hardly a means of distinction, and we determined to take at random the pieces that should first present themselves to us.

The first specimen that came up, was the following address  
" *To the Past*."

"Thou unrelenting Past!  
Strong are the barriers round thy dark domain,  
And fetters, sure and fast,  
Hold all that enter thy unbreathing reign.

Far in thy realm withdrawn  
Old empires sit in sullenness and gloom,  
And glorious ages gone,  
Lie deep within the shadow of thy womb.

Childhood, with all its mirth,  
Youth, Manhood, Age, that draws us to the ground,  
And last, Man's life on earth,  
Glide to thy dim dominions, and are bound.

Thou hast my better years,  
Thou hast my earlier friends—the good—the kind,  
Yielded to thee with tears—  
The venerable form—the exalted mind.

My spirit yearns to bring  
The lost ones back—yearns with desire intense,  
And struggles hard to wring  
Thy bolts apart, and pluck thy captives thence.

In vain—thy gates deny  
All passage save to those who hence depart;  
Nor to the streaming eye  
Thou givest them back—nor to the broken heart.

In thy abysses hide  
Beauty and excellence unknown—to thee  
Earth's wonder and her pride  
Are gathered, as the waters to the sea.

Labors of good to man,  
Unpublished charity, unbroken faith,—  
Love, that midst grief began,  
And grew with years, and faltered not in death.

Full many a mighty name,  
Lurks in thy depths, unuttered, unrevered,  
With thee are silent fame,  
Forgotten arts, and wisdom disappeared.

Thine for a space are they—  
Yet shalt thou yield thy treasures up at last,  
Thy gates shall yet give way,  
Thy bolts shall fall, inexorable Past!

All that of good and fair  
Has gone into thy womb from earliest time,

Shall then come forth, to wear  
The glory and the beauty of its prime.

They have not perished—no !  
Kind words, remembered voices once so sweet,  
Smiles, radiant long ago,  
And features, the great soul's apparent seat.

All shall come back, each tie  
Of pure affection shall be knit again ;  
Alone shall Evil die,  
And Sorrow dwell a prisoner in thy reign.

And then shall I behold  
Him, by whose kind paternal side I sprung,  
And her, who, still and cold,  
Fills the next grave,—the beautiful and young."

Something in the same vein are lines on "*The Rivulet*."

This little rill that, from the springs  
Of yonder grove, its current brings,  
Plays on the slope awhile, and then  
Goes prattling into groves again,  
Oft to its warbling waters drew  
My little feet, when life was new.  
When woods in early green were drest,  
And from the chambers of the west  
The warmer breezes, travelling out,  
Breathed the new scent of flowers about,  
My truant steps from home would stray,  
Upon its grassy side to play,  
List the brown thrasher's vernal hymn,  
And crop the violet on its brim,  
With blooming cheek and open brow,  
As young and gay, sweet rill, as thou.

And when the days of boyhood came,  
And I had grown in love with fame,  
Duly I sought thy banks, and tried  
My first rude numbers by thy side.  
Words cannot tell how bright and gay  
The scenes of life before me lay.  
Then glorious hopes, that now to speak  
Would bring the blood into my cheek,  
Passed o'er me ; and I wrote on high  
A name I deemed should never die.

Years change thee not. Upon yon hill  
The tall old maples verdant still,  
Yet tell, grandeur of decay,  
How swift the years have passed away,  
Since first a child, and half afraid,  
I wandered in the forest shade.



Thou, ever joyous rivulet,  
 Dost dimple, leap, and prattle yet ;  
 And sporting with the sands that pave  
 The windings of thy silver wave,  
 And dancing to thy own wild chime,  
 Thou laughest at the lapse of time.  
 The same sweet sounds are in my ear  
 My early childhood loved to hear ;  
 As pure thy limpid waters run,  
 As bright they sparkle to the sun ;  
 As fresh and thick the bending ranks  
 Of herbs that line the oozy banks ;  
 The violet there in soft May dew,  
 Comes up, as modest and as blue ;  
 As green amid thy current's stress,  
 Floats the scarce-rooted water cress ;  
 And the brown ground bird, in thy gleu,  
 Still chirps as merrily as then.

Thou changest not—but I am changed,  
 Since first thy pleasant banks I ranged ;  
 And the grave stranger, come to see  
 The play-place of his infancy,  
 Has scarce a single trace of him  
 Who sported once upon thy brim. .  
 The visions of my youth are past—  
 Too bright, too beautiful to last.  
 I've tried the world—it wears no more  
 The coloring of romance it wore.  
 Yet well has nature kept the truth  
 She promised to my earliest youth ;  
 The radiant beauty, shed abroad  
 On all the glorious works of God,  
 Shows freshly, to my sobered eye,  
 Each charm it wore in days gone by.

A few brief years shall pass away,  
 And I, all trembling, weak, and gray,  
 Bowed to the earth, which waits to fold  
 My ashes in the embracing mould,  
 (If haply the dark will of fate  
 Indulge my life so long a date)  
 May come for the last time to look  
 Upon my childhood's favorite brook.  
 Then dimly on my eye shall gleam  
 The sparkle of thy dancing stream ;  
 And faintly on my ear shall fall  
 Thy prattling current's merry call ;  
 Yet shalt thou flow as glad and bright  
 As when thou met'st my infant sight.

And I shall sleep—and on thy side,  
 As ages after ages glide,  
 Children their early sports shall try,  
 And pass to hoary age and die.  
 But thou, unchanged from year to year,  
 Gaily shalt play and glitter here;  
 Amid young flowers and tender grass  
 Thy endless infancy shalt pass;  
 And, singing down thy narrow glen,  
 Shalt mock the fading race of men."

To this we add another of like character on "*Green River*."

When breezes are soft and skies are fair,  
 I steal an hour from study and care,  
 And hie me away to the woodland scene,  
 Where wanders the stream with waters of green;  
 As if the bright fringe of herbs on its brink,  
 Had given their stain to the wave they drink;  
 And they, whose meadows it murmurs through,  
 Have named the stream from its own fair hue.

Yet pure its waters—its shallows are bright  
 With coloured pebbles and sparkles of light,  
 And clear the depths where its eddies play,  
 And dimples deepen and whirl away,  
 And the plane-tree's speckled arms overshoot  
 The swifter current that mines its root,  
 Through whose shifting leaves, as you walk the hill,  
 The quivering glimmer of sun and rill,  
 With a sudden flash on the eye is thrown,  
 Like the ray that streams from the diamond stone.  
 Oh, loveliest there the spring days come,  
 With blossoms, and birds, and wild-bees' hum;  
 The flowers of summer are fairest there,  
 And freshest the breath of the summer air;  
 And sweetest the golden autumn day  
 In silence and sunshine glides away.

Yet fair as thou art, thou shun'st to glide,  
 Beautiful stream! by the village side;  
 But windest away from haunts of men,  
 To quiet valley and shaded glen;  
 And forest, and meadow, and slope of hill,  
 Around thee, are lonely, lovely, and still.  
 Lonely—save when, by thy rippling tides,  
 From thicket to thicket the angler glides;  
 Or the simpler comes with the basket and book,  
 For herbs of power on thy banks to look;

Or haply, some idle dreamer, like me,  
 To wander, and muse, and gaze on thee.  
 Still—save the chirp of birds that feed  
 On the river cherry and seedy reed,  
 And thy own wild music gushing out  
 With mellow murmur and fairy shout,  
 From dawn, to the blush of another day,  
 Like traveller singing along his way.

That fairy music I never hear,  
 Nor gaze on those waters so green and clear,  
 And mark them winding away from sight,  
 Darkened with shade or flashing with light,  
 While o'er them the vine to its thicket clings,  
 And the zephyr stoops to freshen his wings,  
 But wish that fate had left me free  
 To wander these quiet haunts with thee,  
 Till the eating cares of earth should depart,  
 And the peace of the scene pass into my heart;  
 And I envy thy stream, as it glides along,  
 Through its beautiful banks in a trance of song.

Though forced to drudge for the dregs of men,  
 And scrawl strange words with the barbarous pen,  
 And mingle among the jostling crowd,  
 Where the sons of strife are subtle and loud—  
 I often come to this quiet place,  
 To breathe the airs that ruffle thy face,  
 And gaze upon thee in silent dream,  
 For in thy lonely and lovely stream,  
 An image of that calm life appears,  
 That won my heart in my greenest years."

The following translation from Villegas strikes us as very beautiful and fresh :

" 'Tis sweet, in the green spring,  
 To gaze upon the wakening fields around;  
 Birds in the thicket sing,  
 Winds whisper, waters prattle from the ground;  
 A thousand odors rise,  
 Breathed up from blossoms of a thousand dies.

Shadowy, and close, and cool,  
 The pine and poplar keep their quiet nook;  
 Forever fresh and full,  
 Shines, at their feet, the thirst-inviting brook;  
 And the soft herbage seems  
 Spread for a place of banquets and of dreams.

Thou, who alone art fair,  
 And whom alone I love, art far away.  
 Unless thy smile be there,  
 It makes me sad to see the earth so gay ;  
 I care not if the train  
 Of leaves, and flowers, and zephyrs go again."

And this, with the soothing title of the "*Siesta*,"—how soft,  
 delicate and dream-like.

" Vientecico murmurador,  
 Que lo gozas y andas todo, &c.

"Airs, that wander and murmur round,  
 Bearing delight where'er ye blow !  
 Make in the elms a lulling sound,  
 While my lady sleeps in the shade below.

Lighten and lengthen her noon day rest,  
 Till the heat of the noon day sun is o'er.  
 Sweet be her slumbers ! though in my breast  
 The pain she has waked may slumber no more.  
 Breathing soft from the blue profound,  
 Bearing delight where'er ye blow,  
 Make in the elms a lulling sound,  
 While my lady sleeps in the shade below.

Airs ! that over the bending boughs,  
 And under the shadows of the leaves,  
 Murmur soft, like thy timid vows  
 Or the secret sighs my bosom heaves,—  
 Gently sweeping the grassy ground,  
 Bearing delight where'er ye blow,  
 Make in the elms a lulling sound,  
 While my lady sleeps in the shade below."

The "*Death of the Flowers*" is as poetical as its title.

"The melancholy days are come, the saddest of the year,  
 Of wailing winds, and naked woods, and meadows brown and sear.  
 Heaped in the hollows of the grove, the withered leaves lie dead ;  
 They rustle to the eddying gust, and to the rabbit's tread.  
 The robin and the wren are flown, and from the shrubs the jay,  
 And from the wood-top calls the crow, through all the gloomy day.

Where are the flowers, the fair young flowers that lately sprang and  
 stood  
 In brighter light and softer years, a beauteous sisterhood ?  
 Alas ! they all are in their graves, the gentle race of flowers  
 Are lying in their lowly beds, with the fair and good of ours.

The rain is falling where they lie, but the cold November rain,  
Calls not, from out the gloomy earth, the lovely ones again.

The wind-flower and the violet, they perished long ago,  
And the briar-rose and the orchis died amid the summer glow;  
But on the hill the golden rod, and the aster in the wood,  
And the yellow sunflower by the brook in autumn beauty stood,  
Till fell the frost from the clear, cold heaven, as falls the plague on  
men,  
And the brightness of their smile was gone, from upland, glade, and  
glen.

And now, when comes the calm mild day, as still such days will come,  
To call the squirrel and the bee from out their winter home;  
When the sound of dropping nuts is heard, though all the trees are  
still.

And twinkle in the smoky light of the waters of the rill,  
The south wind searches for the flowers whose fragrance late he bore,  
And sighs to find them in the wood and by the stream no more.

And then I think of one who in her youthful beauty died,  
The fair, meek-blossom that grew and faded by my side:  
In the cold moist earth we laid her, when the forest cast the leaf,  
And we wept that one so lovely should have a life so brief:  
Yet not unmeet it was, that one, like that young friend of ours,  
So gentle and so beautiful, should perish with the flowers."

There are very many pieces in the volume of an analogous character, that might properly be classed with these and fully equal to them in every respect as our readers may satisfy themselves by opening the volume hap hazard. But we have not space enough, and indeed, it would be unfair to quote them all.

The translation of Spanish poetry of the ballad kind are not so numerous. We submit to our readers the following:

#### "FATIMA AND RADUAN.

Diamante falso y fingido,  
Engastado en pedernal, &c.

False diamond set in flint! the caverns of the mine  
Are warmer than the breast that holds that faithless heart of thine;  
Thou art fickle as the sea, thou art wandering as the wind,  
And the restless ever-mounting flame is not more hard to bind.  
If the tears I shed were tongues, yet all too few would be,  
To tell of all the treachery that thou hast shown to me.  
Oh! I could chide thee sharply—but every maiden knows  
That she who chides her lover, forgives him ere he goes.

Thou hast called me oft the flower of all Grenada's maids,  
Thou hast said that by the side of me the first and fairest fades;  
And they thought thy heart was mine, and it seemed to every one  
That what thou didst to win my love, from love of me was done.  
Alas! if they but knew thee, as mine it is to know,  
They well might see another mark to which thine arrows go;  
But thou giv'st me little heed—for I speak to one who knows  
That she who chides her lover, forgives him ere he goes.

It wearies me, mine enemy, that I must weep and bear  
What fills my heart with triumph, and fills my own with care.  
Thou art leagued with those that hate me, and ah! thou know'st I feel  
That cruel words as surely kill as sharpest blades of steel.  
'Twas the doubt that thou wert false, that wrung my heart with pain;  
But now I know thy perfidy, I shall be well again:  
I would proclaim thee as thou art—but every maiden knows  
That she who chides her lover, forgives him ere he goes.

Thus Fatima complained to the valiant Baduan,  
Where underneath the myrtles Alhambra's fountains ran:  
The Moor was inly moved, and blameless as he was,  
He took her white hand in his own, and pleaded thus his cause:  
Oh, lady, dry those star-like eyes—their dimness does me wrong;  
If my heart be made of flint, at least 'twill keep thy image long:  
Thou hast uttered cruel words—but I grieve the less for those,  
Since she who chides her lover, forgives him ere he goes."

#### "THE DEATH OF ALIATAR.

'Tis not with gilded sabres  
That gleams in baldricks blue,  
Nor nodding plumes in caps of Fez,  
Of gay and gaudy hue—  
But, habited in mourning weeds,  
Come marching from afar,  
By four and four, the valiant men  
Who fought with Aliatar.  
All mournfully and slowly  
The afflicted warriors come,  
To the deep wail of the trumpet,  
And beat of muffled drum.

The banner of the Phenix,  
The flag that loved the sky,  
That scarce the wind dared wanton with,  
It flew so proud and high—  
Now leaves its place in battle field,  
And sweeps the ground in grief;  
The bearer drags its glorious folds  
Behind the fallen chief.

As mournfully and slowly  
The afflicted warriors come,  
To the deep wail of the trumpet,  
And beat of muffled drum.

Brave Aliatar led forward  
A hundred Moors to go  
To where his brother held Motril  
Against the leaguering foe.  
On horseback went the gallant Moor,  
That gallant band to lead;  
And now his bier is at the gate,  
From whence he pricked his steed.  
While mournfully and slowly  
The afflicted warriors come,  
To the deep wail of the trumpet,  
And beat of muffled drum.

The knights of the Grand Master  
In crowded ambush lay :  
They rushed upon him where the reeds  
Were thick beside the way;  
They smote the valiant Aliatar,  
They smote him till he died,  
And broken, but not beaten, were  
The brave ones by his side.  
Now mournfully and slowly  
The afflicted warriors come,  
To the deep wail of the trumpet,  
And beat of muffled drum.

Oh ! what was Zayda's sorrow,  
How passionate her cries !  
Her lover's wounds streamed not more free  
Than that poor maiden's eyes.  
Stay, Love—for thou didst see her tears :  
Oh, no ! he drew more tight  
The blinding fillet o'er his lids,  
To spare his eyes the sight.  
While mournfully and slowly  
The afflicted warriors come,  
To the deep wail of the trumpet,  
And beat of muffled drum.

Nor Zayda weeps him only,  
But all that dwell between  
The great Alhambra's palace walls  
And waves of Albaicin.  
The ladies weep the flower of knights,  
The brave the bravest here ;

The people weep a champion,  
The Alcaides a noble peer.  
While mournfully and slowly  
The afflicted warriors come,  
To the deep wail of the trumpet,  
And beat of the muffled drum."

•  
" THE ALCAYDE OF MOLINA.

To the town of Atienza, Molina's brave Alcaide  
The courteous and the valorous, led forth his bold brigade,  
The Moor came back in triumph, he came without a wound,  
With many a Christian standard, and Christian captive bound.  
He passed the city portals, with swelling heart and vain,  
And toward his lady's dwelling, he rode with slackened rein,  
Two circuits on his charger he took, and at the third,  
From the door of her balcony Zelinda's voice was heard.  
'Now if thou wert not shameless,' said the lady to the Moor,  
'Thou would'st neither pass my dwelling, nor stop before my door.  
Alas for poor Zelinda, and for her wayward mood,  
That one in love with peace, should have loved a man of blood!  
Since not that thou wert noble I chose thee for my knight,  
But that my sword was dreaded in tourney and in fight.  
Ah, thoughtless and unhappy! that I should fail to see  
How ill the stubborn flint and the yielding wax agree.  
Boast not thy love for me, while the shrieking of the fife  
Can change thy mood of mildness to fury and to strife  
Say not my voice is magic,—thy pleasure is to hear  
The bursting of the carbine, and shivering of the spear.  
Well, follow thou thy choice—to the battle field away,  
To thy triumphs and thy trophies, since I am less than they.  
Thrust thy arm into thy buckler, gird on thy crooked brand,  
And call upon thy trusty squire to bring thy spears in hand.  
Lead forth thy band to skirmish, by mountain and by mead,  
On that dappled Moorish barb, or thy fleeter border steed.  
Go, waste the Christian hamlets, and sweep away their flocks,  
From Almazan's broad meadows to Siguënza's rocks.  
Leave Zelinda altogether, whom thou leavest oft and long,  
And in the life thou lovest forget whom thou dost wrong.  
These eyes shall not recall thee, though they meet no where thy own,  
Though they weep that thou art absent, and that I am all alone.'  
She ceased and turning from him her flushed and angry cheek,  
Shut the door of her balcony, before the Moor could speak."



We subjoin the following specimen of an original composition of Mr. Bryant's in the same style.

"THE DAMSEL OF PERU.

Where olive leaves were twinkling in every wind that blew,  
There sat beneath the pleasant shade a damsel of Peru,  
Betwixt the slender boughs, as they opened to the air,  
Came glimpses of her ivory neck and of her glossy hair;  
And sweetly rang her silver voice, within that shady nook,  
As from the shrubby glen is heard the sound of hidden brook.

'Tis a song of love and valor, in the noble Spanish tongue,  
That once upon the sunny plains of Old Castile was sung;  
When, from their mountain holds, on the Moorish rout below,  
Had rushed the Christians like a flood, and swept away the foe.  
Awhile that melody is still, and then breaks forth anew,  
A wilder rhyme, a livelier note, of freedom and Peru.

A white hand parts the branches, a lovely face looks forth,  
And bright dark eyes gaze steadfastly and sadly towards the north.  
Thou look'st in vain, sweet maiden, the sharpest sight would fail,  
To spy a sign of human life abroad in all the vale;  
For the noon is coming on, and the sunbeams fiercely beat,  
And the silent hills and forest tops seem reeling in the heat.

That white hand is withdrawn, that fair sad face is gone,  
But the music of that silver voice is flowing sweetly on,  
Not as of late, in cheerful tones, but mournfully and low,—  
A ballad of a tender maid heart broken long ago,  
Of him who died in battle, the youthful and the brave,  
And her who died of sorrow, upon his early grave.

But see, along that mountain's slope, a fiery horseman ride;  
Mark his torn plume, his tarnished belt, the sabre at his side.  
His spurs are buried rowel deep, he rides with loosened rein,  
There's blood upon his charger's flank and foam upon his mane,  
He speeds toward the olive grove, along that shaded hill,—  
God shield the helpless maiden there, if he should mean her ill!

And suddenly that song has ceased, and suddenly 'I hear  
A shriek sent up amid the shade, a shriek—but not of fear.  
For tender accents follow, and tenderer pauses speak  
The overflow of gladness, when words are all too weak:  
'I lay my good sword at thy feet, for now Peru is free,  
'And I am come to dwell beside the olive grove with thee'."

The poems that aim at solemnity and grandeur, and those of a sadder and darker mood, do not strike us as equal to the foregoing. Still some of them possess no ordinary merit, and

same of our readers may think that we underrate such verses as these on

" RIZPAH.

And he delivered them into the hands of the Gibeonites, and they hanged them in the hill before the Lord; and they fell all seven together, and were put to death in the days of the harvest. in the first days, in the beginning of barley harvest.

And Rizpah, the daughter of Aiah, took sackcloth, and spread it for her upon the rock, from the beginning of harvest until the water dropped upon them out of heaven, and suffered neither the birds of the air to rest upon them by day, nor the beasts of the field by night. II. *Samuel* xxi, 10.

Hear what the desolate Rizpah said,  
As on Gibeah's rocks she watched the dead.  
The sons of Michal before her lay,  
And her own fair children, dearer than they :  
By a death of shame they all had died,  
And were stretched on the bare rock, side by side.  
And Rizpah, once the loveliest of all  
That bloomed and smiled in the court of Saul,  
All wasted with watching and famine now,  
And scorched by the sun her haggard brow,  
Sat, mournfully guarding their corpses there,  
And murmured a strange and solemn air ;  
The low, heart-broken, and wailing strain  
Of a mother that mourns her children slain.

I have made the crags my home, and spread  
On their desert backs my sackcloth bed ;  
I have eaten the bitter herb of the rocks,  
And drank the midnight dew in my locks ;  
I have wept till I could not weep, and the pain  
Of my burning eyeballs went to my brain.  
Seven blackened corpses before me lie,  
In the blaze of the sun and the winds of the sky.  
I have watched them through the burning day,  
And driven the vulture and raven away ;  
And the cormorant wheeled in circles round,  
Yet feared to light on the guarded ground.  
And when the shadows of twilight came,  
I have seen the hyena's eyes of flame,  
And heard at my side his stealthy tread,  
But aye at my shout the savage fled :  
And I threw the lighted brand, to fright  
The jackal and wolf that yelled in the night.

Ye were foully murdered, my hapless sons,  
By the hands of wicked and cruel ones ;  
Ye fell, in your fresh and blooming prime,  
All innocent, for your father's crime.

He sinned—but he paid the price of his guilt  
 When his blood by a nameless hand was spilt ;  
 When he strove with the heathen host in vain,  
 And fell with the flower of his people slain,  
 And the sceptre his children's hands should sway  
 From his injured lineage passed away.

But I hoped that the cottage roof would be  
 A safe retreat for my sons and me ;  
 And that while they ripened to manhood fast,  
 They should wean my thoughts from the woes of the past.  
 And my bosom swelled with a mother's pride,  
 As they stood in their beauty and strength by my side,  
 Tall like their sire, with the princely grace  
 Of his stately form, and the bloom of his face.

Oh, what an hour for a mother's heart,  
 When the pitiless ruffians tore us apart !  
 When I clasped their knees and wept and prayed,  
 And struggled and shrieked to heaven for aid,  
 And clung to my sons with desperate strength,  
 Till the murderers loosed my hold at length,  
 And bore me breathless and faint aside,  
 In their iron arms, while my children died.  
 They died—and the mother that gave them birth  
 Is forbid to cover their bones with earth.

The barley harvest was nodding white,  
 When my children died on the rocky height,  
 And the reapers were singing on hill and plain,  
 When I came to my task of sorrow and pain.  
 But now the season of rain is nigh,  
 The sun is dim in the thickening sky,  
 And the clouds in sullen darkness rest,  
 When he hides his light at the doors of the west.  
 I hear the howl of the wind that brings  
 The long drear storm on its heavy wings ;  
 But the howling wind and the driving rain  
 Will beat on my houseless head in vain :  
 I shall stay, from my murdered sons to scare  
 The beasts of the desert, and fowls of air."

Or these, with "*Romero*" for an epigraphe.

" When freedom from the land of Spain  
 By Spain's degenerate sons was driven,  
 Who gave their willing limbs again  
 'To wear the chain so lately riven ;  
 Romero broke the sword he wore—  
 Go, faithful brand, the warrior said,

Go, undishonored, never more  
The blood of man shall make thee red ;  
I grieve for that already shed ;  
And I am sick at heart to know,  
That faithful friend and noble foe  
Have only bled to make more strong  
The yoke, that Spain has worn so long.  
Wear it who will, in abject fear—  
I wear it not who have been free ;  
The perjured Ferdinand shall hear  
No oath of loyalty from me.  
Then, hunted by the hounds of power,  
Romero chose a safe retreat,  
Where bleak Nevada's summits tower  
Above the beauty at their feet.  
There once, when on his cabin lay  
The crimson light of setting day,  
When even on the mountain's breast  
The chainless winds were all at rest,  
And he could hear the river's flow  
From the calm paradise below ;  
Warmed with his former fires again,  
He framed this rude but solemn strain.

## I.

Here will I make my home—for here at least I see,  
Upon this wild Sierra's side, the steps of Liberty ;  
Where the locust chirps unscared beneath the unpruned lime,  
And the merry bee doth hide from man the spoil of the mountain thyme ;  
Where the pure winds come and go, and the wild vine gads at will,  
An outcast from the haunts of men she dwells with Nature still.

## II.

I see the valleys, Spain ! where thy mighty rivers run,  
And the hills that lift thy harvests and vineyards to the sun,  
And the flocks that drink thy brooks and sprinkle all the green,  
Where lie thy plains, with sheep-walks seamed, and olive shades  
between :  
I see thy fig-trees bask, with the fair pomegranate near,  
And the fragrance of thy lemon groves can almost reach me here.

## III.

Fair—fair—but fallen Spain ! 'tis with a swelling heart,  
That I think on all thou might'st have been, and look at what thou art ;  
But the strife is over now—and all the good and brave,  
That would have raised thee up, are gone, to exile or the grave.  
Thy fleeces are for monks, thy grapes for the convent feast,  
And the wealth of all thy harvest-fields for the pampered lord and  
priest.

## IV.

But I shall see the day—it will come before I die—  
I shall see it in my silver hairs, and with an age-dimmed eye;—  
When the spirit of the land to liberty shall bound,  
As yonder fountain leaps away from the darkness of the ground;  
And, to my mountain cell, the voices of the free  
Shall rise, as from the beaten shore the thunders of the sea.”

There are also several sonnets—or rather, as the author himself avows—short poems in fourteen lines, not fashioned upon the strict Italian model. That model, consecrated as it has been by all the grandeur and energy, as well as the beauty of genius—is after all, perhaps, essentially barbarous. Yet we candidly confess our decided partiality for it. The form, besides the interest which it derives from accidental association, has an intrinsic one of its own—that of great difficulty overcome. But more than any other kind of poetry, it abhors mediocrity. The general reason assigned by Horace in the well known *dict*, applies to it more strongly than to any other kind of poetry. It is artificial, and therefore, frigid, unless it be redeemed by surpassing excellence. It is in another sense artificial, and, therefore, admits of being done after a fashion, according to rule, and by mere mechanical industry. The difficulty consists not in executing a sonnet, but a fine sonnet, and a failure in it affects one with something like the same sensation of dismal disgust inspired by the grimace and *tumbings* of the clown in his awkward imitations of Harlequin. We love Petrarch and his sonnets—bad as the taste of many of them is—and all the world has been awakened by those of Milton and Filicaja. Mr. Bryant's, besides their wanting the legitimate form, are not master-pieces in other respects. Still they are very good. We submit as specimens the two following—the first is in an animated strain; but it wants power.

## “SONNET—WILLIAM TELL

Chains may subdue the feeble spirit, but thee,  
Tell, of the iron heart! they could not tame;  
For thou wert of the mountains: they proclaim  
The everlasting creed of Liberty.  
That creed is written on the untrampled snow,  
Thundered by torrents which no power can hold,  
Save that of God, when he sends forth his cold,  
And breathed by winds that through the free heaven blow.  
Thou, while thy prison walls were dark around,  
Didst meditate the lesson Nature taught,

And to thy brief captivity was brought  
 A vision of thy Switzerland unbound.  
 The bitter cup they mingled, strengthened thee  
 For the great work to set thy country free.

'The other is very sweet and balmy, like the breathing of our  
 own south-wind in a serene October day.

" SONNET—OCTOBER.

Aye, thou art welcome, heaven's delicious breath!  
 When woods begin to wear the crimson leaf,  
 And suns grow meek, and the meek suns grow brief,  
 And the year smiles as it draws near its death.  
 Wind of the sunny south! oh, still delay  
 In the gay woods and in the golden air,  
 Like to a good old age released from care,  
 Journeying, in long serenity, away.  
 In such a bright, late quiet, would that I  
 Might wear out life like the, 'mid bowers and brooks,  
 And dearer yet, the sunshine of kind looks,  
 And music of kind voices ever nigh;  
 And when my last sand twinkled in the glass,  
 Pass silently from men, as thou dost pass.

There are three or four pieces of a livelier mood than the rest, that pleasingly diversify the character of this little volume. They are not remarkable for a very high degree of *vis comica*, but their gay and ironical good humour makes them agreeable. The meditation "On Rhode-Island Coal" is a piece of philosophy embodying such reflections as one is apt to fall into when poring over the cheerful light of a grate, amid the pitiless howlings of a northern winter. There are, also, some excellent lines of the same character on certain "gay creatures of the element" that we would gladly extract, if we had not been already quite unconscionable in our use of Mr. Bryant's labours. As it is, we can only remark that he deserves to be a favourite with the *belles*—the flowers—arrayed in more than the glory of Solomon—that blossom forth in the sunshine of Broadway—and that he ought to be sent into coventry, for life, by the race of mosquitoes for treating their terrific trump and sanguinary warfare, as matters of poetry, and even of burlesque. To one living in the vapours of a marshy country within ten degrees of the tropic, this joke appears as strange as a comedy on the cholera.

Of the more serious pieces, we ought to mention that the "Hymn of the Waldenses" is very good, but "The Hurri-

cane" strikes us as a failure. We do not think poems of that sort the *fort* of Mr. Bryant.

Upon the whole, we have great pleasure in strongly recommending this excellent little volume to the attention and patronage of the public. Decided poetical merit, is a great desideratum, in the social character of our country. A most exalted merit it is—precious in itself, still more precious as an index of what is felt and thought by a people, and as tending to foster and to warm into enthusiasm, all the sentiments that do most honour to human nature. In this point of view, Mr. Bryant deserves well of his country—and if "one great and kindling thought," as Dr. Channing sublimely expresses it, may awaken the minds of men to virtue and to glory, and live when thrones are crumbled, and those who sat upon them forgotten, let no one rate that service low.

ART. VII.—*The History of England.* By the Right Hon. Sir JAMES MCINTOSH, M. P. Vols. 1, 2. Philadelphia. 1830.

THE subject, of which the present article is to treat, is an august nation. In the statistics of the world, no people count larger items of power than England; none rivals her wealth, and in the perfection to which she has brought the arts of life she is the wonder and the benefactress of all. There are other titles, more venerable far, to exalt her in all eyes: these were nobly indicated by Wordsworth in 1802, when he mourned for the turdy arising within her of a spirit commensurate with the great part of liberatress of the world, which he predicted she was to play. He fondly complained that

altar, sword and pen,  
Fireside, the heroic wealth of hall and bower,  
Have forfeited their ancient English dower  
Of inward happiness.

If each single word of this complaint be well meditated, it opens all the characteristic glories of his country. To America, however, this power, thus august and venerable in herself,

may stand in a peculiar relation. All men know the intimate intellectual affiliation which has hitherto connected America with her. For ourselves, we have too often felt within us the impulse of doubts touching this interesting relation, to suppose its consideration wholly indifferent to others. We intend to examine it, therefore, in a two-fold view. First, we shall endeavour to put a philosophic estimate on some of those opinions and sentiments, which are the main elements of the English civilization. By the civilization of a nation, we desire here to express the sum of those results which constitute the character, intellectual and moral, public and domestic of that nation. Suppose a Linæus of the intellect wished to impersonate all the characteristics distinctive of the European man, from the Asiatic, the African, the American: he would, in the eclectic process of getting materials, find some traits peculiar to single nations of Europe, some so much more strongly pronounced in one than in the rest, as almost to deserve to be called peculiar, and others common to them all as Europeans. Having finished his work he would exult that he had embodied the noblest specimen of all intellectual and moral physiology. He would be at no loss to mark to which nation belongs the glory of any one of his endowments, nor which endowment it is that contributes most to make him the lord of creation. We beg to divine, in our humble way, what he would have borrowed from the *homo sapiens Britannus*, and how far he would consider that the European man, (who has confessedly traced nature "up to the sharp peak of her sublimest elevation,") owes his supremacy to his British blood. We subjoin, however, that if it be true as Justinian in the first preface to the Pandects, §5th, says: "*artes cum etsi vilissimæ sint, omnes tamen infinitæ sunt,*" more true it is, that to take the height and depth of a nation's entire reason, is indeed, an infinite work. We, therefore, shall only adventure to throw out some hints on a small number of points in our topic. Secondly, we shall endeavour to weigh the influence which the civilization of England is having on us, for good or ill.

I. The philosophical mind of Hegel has divided the past history of civilization into four Missions, the Oriental, the Greek, the Roman, and the Teutonic. But we think it too vague to embrace all modern civilization under the name Teutonic: there are distinct lines enough in that of Europe at present to admit of a partition, and we avail ourselves of the hint to ask what seems to have been the mission of England in the great toil? In pondering on this inquiry there figures itself to



the respectful imagination, something like a solemn vision of the Peers of the Fairy Queen, issuing forth on great and definite vocations, to reclaim a world in barbarism to the cause of truth, honour and justice. There are certain domestic sentiments, which we might almost admit are emphatically English, which the world could as ill spare as any the richest jewels of modern life: these hardly require enumeration. The free inquiring spirit, in matters of religious faith, also might be set down as theirs emphatically, had not Protestant Germany equalled it. Then again, beyond all doubt, there is much about Shakespear's psychology and manner that is essentially English—we should be glad to have time and sagacity enough to develope this and add it to our summary. In no other great light of her literature might it be very profitable to search for the nationalisms. Bacon might have been D'Aguesseau, or Newton Kepler, or Gibbon Bayle, with only the alteration of more or less talent and learning. But we will not detain the reader by an inadequate sketch of these general titles. We love to admit that in the matter of civil liberty, she was blessed with the destiny of maintaining in practice, more or less perfect, many of the principal rights of man. The representation of the Commons, the voting the supplies, freedom of the press from previous censorship, the unlawfulness of arbitrary imprisonment, the trial of accused persons and of differences about *meum* and *tuum* conducted *viva voce*, not before Prætorian Judges merely, but *selecti iudices* of the vicinage; of these great rights was she the depositary, and with more or less vestal purity did she preserve them. What, though the civilians always had held that "*domus tutissimum cuique refugium atque receptaculum sit*?" (l. 18 ff. *de in jus. voc.*)—England only had truly made every man's house his castle. What, though Ulpian could write, and Tribonian sanction under Justinian, the formal declaration that all men are by nature free, and by nature equal? Yet no where but in England was there equality before the law, and true impartiality in the courts. What, though it is written in letters of gold in the German publicists that "the right of voting taxes is as old on the German soil, as the polity of the States itself," nay, that in the old Electorate of Hanover, not to mention the liberal States bordering on France, this right anciently existed in the Provincial Estates, and was still in practice in the Austrian Tyrol up to 1815? Yet still, England, it was, of all the monarchies, who alone kept the right inviolate; that she might serve as a safe model to so many kingdoms whose charters secure that right to their subjects since the General Peace. What

though the glory of the rule in Somerset's case is not peculiar to her, but has always been law in France as Dupin declares—or though Madame de Staël pronounces that in France, and not in France only, but in Naples and Spain, what is modern is not privilege—for this is ancient—but it is prerogative that is *parvenu*. Yet to England again, must the liberal monarchies of the present day pay a large homage for her pattern.

The greatest civil glory of England was, when she was alone among nations, in the practice of any thing called liberal; when the great theorists of human rights in other countries, who made all Europe ring from side to side with their dogmas, whether the fearless Voltaire or the wiser Montesquieu, could find but one model and that England. At that era was England the idol of all the paladins of liberty—she had a shrine in every student's tower, a little chapel on the side of the remotest roads for the wayfaring devotee. But, though it may seem invidious, yet it must be said, the moment that nations began to imitate her, she effectually forbade their idolizing her. In fact, English freedom is, at the core, essentially selfish and exclusive, and free England has been fated never to be the champion of struggling freedom in any other country. When Sheridan pictured to the House of Lords that sublime prosopopeia of Great Britain stretching her arm across the ocean to vindicate the rights of helpless India, the nation adored his rhetoric, but the cause of justice was as fairly in mortmain before Parliament as if it had been in Chancery. While the weary years of the trial were elapsing, what did magnanimous England, who is so scrupulously just in the Common Pleas and King's Bench, communicate to India from her stores of distributive justice? Let Mr. Hastings answer, who like Verres survived the vote of impeachment nearly thirty years in affluence, but happier than Verres, found no Antony come to do tardy justice to his pillaged province. It is a question, how much of the hostility of the British people to the French Revolution is to be traced to this selfish, exclusive quality—to the fact that British liberalism has a wholly different basis from all other, that she builds on precedent not right, on history not theory, on the custom of England not the dicta of the new-created "College of the Rights of Man." However this may be, her opposition to France, until the treaty of Amiens, was far more consistent, more *raisonnée*, than that even of the Sovereigns at Pillnitz. Her system was the truest foe in Europe to the revolutionary principle—truer than that of Austria—just as Arminianism may be said to have its mortal foe not in Paganism or

Mahommedanism but in the system of Calvin. From 1803 till 1814 no Frenchman durst pretend that the cause of France was the cause of liberalism, although it was, in part, the cause of national independence, for England distinctly refused ever to recognize the ruler elected by France for herself; but neither can it be asserted that England was fighting the battle of the world's rights. This self-complacent notion is airier than any vanity that floats in Limbo. She was, in truth, fighting for self-preservation, for the destruction of France, and for the unfettering of her commerce from the Continental system.—She ought, too, to be content with her gains. She has acquired command of the mouths of the Elbe, the Weser and the Ems, with Heligoland; has added to the mastery of the Straits of the Mediterranean the control of the Nile with Malta, of the Adriatic with the Ionian isles; has nothing to desire in the passage to India now that she owns the cape of Mauritius, and can wish for nothing in the gulf of Mexico—except Cuba. But the war at an end, let us attend the Liberatress of the World to Vienna. And first comes Genoa; she falls at the feet of England, pleads that a British General had liberated her, and had proclaimed the restoration of the liberties once so jealously maintained within her walls. Sardinia interposes, and England meekly disavows the right of Lord Bentinck to have made such proclamation, and confesses that reasons of high policy have led her to consent to the incorporation of that republic into the kingdom of Sardinia. Behold! poor Genoa departs and is led *sub hastâ*. Next comes the case of the King of Saxony, once co-Elector of the Empire with the head of the House of Hanover. Here Prussia stands up, and exhibits the deed of Lord Castlereagh, signed and sealed before the opening of the Congress, agreeing for England that the whole kingdom of Saxony shall be absorbed by Prussia. Of all outrages on the Law of Nations suffered at that Congress, this would have been the most atrocious. The moral sense of Europe thrilled with the horror of it. Who so well as England, the only power who had preserved her independence from the pollution of a foreign footstep, who so well as England, whose gold, and that alone, had fed and armed the contingents of all the Allies, thus making her the *primum mobile* of the entire campaigns of 1813 and 1814, and therefore entitled to dictate submission at least to what was just—who so well as she, could have covered Saxony with her patronship—Champion of the Independence of States? But she was bound by solemn parchment; had covenanted with the hot haste of shame, before suspicion of their purpose had called out the scorn of the

world. It is curious to know who it was that did stand up for Saxony against Prussia, England and Russia. For various reasons, Austria was not inactive on the side of humanity, but there was another voice: it was that of France, conquered France, proceeding from the mouth of Talleyrand. This man (a true Frenchman, we sincerely believe, to whom the Duke of Wellington and Lord Holland do nothing more than justice,) had, by his extraordinary genius, speedily succeeded in rendering the influence of France as great as if she had been an Ally through the war, and not now the thrall and victim of them all. It was he who admonished them that the war they had all been waging was based, first, on the right of ancient rulers, second, on the maxim, that mere conquest gives no just right of dominion. The indignation of Europe, and the tenacity of the imprisoned King of Saxony, finally induced the British Cabinet to recede from its ground, and Prussia, finding herself unsupported except by Russia, submitted, just as Napoleon was landing from Elba, to accept the larger half of the Saxon territory with the smaller half of the population. So much for the Liberator! In the summer that preceded the Congress, she had played a rôle no less conspicuous and not more to be proud of between Sweden and Norway. Heaven knows what feelings England has when she hears the name of Denmark! But it is a stale topic—that affair of 1807; Denmark had forgotten it we hope. But to signalize her tyrannous might once more in the Baltic, the Liberator most honourably fulfils a stipulation made with Bernadotte to guarantee him Norway as an appendage to Sweden, in consideration of his consenting to the retention of Finland by Russia. Denmark had been terrified into submission to this spoliation. In vain Norway avouches history to prove hers an independent crown, elects a Prince of the royal line of Holstein for her King, and utterly refuses to be subject to her natural enemy, Sweden. Bernadotte marches in by land, and an English fleet in the exercise of a gentle force, blockades the coast to intercept the annual supply of corn which nature compels Norway to import: this mild admonition soon brings her to reason. Need we behold her on another field, the Peninsula? If there were any country where gratitude was chiefly due to England, it was Spain. While the King was detained a captive and an ignoble trifer at Valençay and the Trianon, England, by her men and money, together with the Junta, went on to achieve what was perhaps the most difficult of all the enterprises against Bonaparte. Wellington swept over the Pyrenees and the Junta held sway over a land not burdened by one single Frenchman. They call to the King

with romantic loyalty, he comes among them under promise to accept the Constitution they had framed. That it was the duty of England to see that this noble people received some compensation, in chartered privileges, for their heroism and loyalty, none can deny. She must therefore have been gratified by the King's acceptance of the Constitution, even if she did not wholly approve of the Constitution. It was perhaps quite as good as that brought by Lord Ponsonby from Brazil for Portugal. The King retracts his promises; did England remonstrate in her own right, and demand at least the bestowal of a modified charter? True, when Riego afterwards re-established the Constitution, England was neither aiding nor consenting to the invasion by the French, but a protest is all the world knows her to have used to save Spain. Nor is it enough for her to plead the absence of right to interfere in the internal concerns of other nations: whence then comes the assumption by Five Powers of the Right to hold General Congresses to regulate the highest interests of foreign sovereignties? Whence the share that England herself had in dictating to Russia and Holland that they should grant Constitutions to Poland and Belgium? Consistency and honour alike require that she should not have permitted this interference against liberty.

Admit that she never soiled herself by becoming a member of the Holy Alliance, though it is possible that the main reason was that alleged by Lord Castlereagh at the time, viz: that the instrument was signed by the emperor and kings in their own names, not by their ministers, whereas the King of England can constitutionally do no official act, except it be accompanied by the counter signature of some responsible minister. It is, however, not the accession to the Holy Alliance which need make criminal all its signers. The President of the United States was invited to sign it: he replied that our permanent policy would not permit us to entangle ourselves in European leagues; but, this apart, that there was little in the Act of Alliance that was not already the practice of America. The act itself, the work of Alexander's own pen at Paris, is called by the continental writers *the consecration of politics by religion*, and merely amounts to an engagement of each sovereign who signs, to observe the precepts of Christianity in his relations with other powers and towards his own subjects. It was in the act of the congress of Aix-la-Chapelle, (a congress of the Five Powers rather than of the Holy Allies, who are not fewer than eleven perhaps of fourteen kings) and subsequently at Troppau, Laybach and Verona, that the odious claim of interference to uphold the two principles of morality and legitimacy •

whenever subverted, was first proclaimed. Now, though true it is, that even Castlereagh protested, through the English Ambassador at Troppau, against the recognition of the right of any one of the Five Powers to invade Naples, and though Mr. Canning not only did the same subsequently with regard to Spain, but also most effectually plucked England from the pollution of longer fraternization with the legittimates, yet with protest it began and with protest it ended. The four other Powers did their will.

A word of two points wherein she assumes to have deserved well of general humanity about this time. She was busy in procuring the consent of the nations, at the first and second treaties of Paris, to the abolition of the slave trade: had this been purely disinterested, we do not know that it would set England *rectus in curia* on that subject. The eagerness with which she bargained to make herself the worst agent in its history, by the *pacto del assiento* in the treaty of Utrecht, whereby she was assured the monopoly of the right to supply the Spanish American Provinces with slaves for thirty years, (about four thousand annually) and the tenacity with which, when war had suspended its exercise, she claimed its liberal execution to the end, will not be easily compensated. Again, Lord Exmouth's treaty with Algiers in 1816, stipulates that "in the event of future wars with any European power," all Christian prisoners should be subject to ransom or exchange during the war, according to the custom of Europe, and to unconditional liberation at the end. Mr. Kent says, there would be no praise too high for this treaty, as for that of which Montesquieu said *il stipuloit pour le genre humain*, "if a great Christian power on this side of the Atlantic, whose presence and whose trade is constantly seen and felt in the Mediterranean, had not seemed to have been entirely forgotten."—(*Comm. I. 177.*) There is something mysterious, in fact, in the unconcern manifested before that time in England about letting these same barbaresques go loose out of the Mediterranean to pillage the American trade. And by the way, her declaration at Ghent that she regarded as a *sine qua non*, our covenant not to purchase any more lands of the Indians, shews that she thinks the interests of general humanity by no means required the farther spread of civilization in America, and that the Mistress of the Ocean, unlike the heathen gods, does not love to see men congregate in cities, except they be under British subjection. But something more conclusive than all this, is the following: there is one department where her liberality and regard for general humanity, may be put to the test with pecu-

liar propriety. We mean her administration of international maritime law. This is that part of the great field of sovereign justice, which, it would seem, should differ the least of all codes from the pure maxims *æqui et boni*. Ask how a nation interprets this law, and answer for yourself her claim to be thought philanthropical. Now, if the truth be told, of all tyrannies existing in theory or practice, the maritime law of Great-Britain is the most unmitigated. And all Europe is galled by it. The common prayer of the whole continent is that America (their only hope in this) may speedily attain to a naval strength sufficient to rebuke and check her, and to compel her to renounce her odious doctrines, as do she will, most assuredly one day.

After the events connected with the general pacification in 1814, it were to be imagined that not one foreign admirer would exist to impute to England the chief patronage of liberalism. Madame de Staël was the last of that list of which Montesquieu is the first, and De Lolme the middle name. That illustrious lady in her last years, could only say for England that the House of Commons was the tribune of Europe, where the public reason and rights of the Continent were asserted; but the voices that she loved to hear were only those of the opposition members, and a liberal opposition alas! makes no epochs in history. Still that this lofty assumption continues to dwell in the English mind, none can forget since the ever memorable speech of Mr. Canning, on the motion for sending troops to Portugal. England has scarcely ever shone in a more imposing light than in that speech. The England he that day bodied forth was in truth a Titan, and he lent her words suited to the "large utterance of the early gods." It were unfair to note how so noble a speech led to an issue merely the smallest and most imperceptible of all the foreign expeditions on record; for, who knows the end of it? Quite as invidious would it be in any one to carp at his attributing to himself the introduction of the South American States into the circle of nations, calling them in to redress the balance of Europe, though neither was England the earliest among the first-rate powers of the earth to recognize them, nor will they serve in any degree to redress the equilibrium of Europe. A better purpose they will serve England, and that is as a market for those manufactures which the policy of self-preservation among the continental powers has excluded from their own ports. We are so bold as to say, that Mr. Monroe's warning to the Holy Alliance, that we should regard any interference by its members to reduce the colonies under Spanish

subjection as an act unfriendly to us, did more for the freedom of those colonies, and for the patronage of liberty, than has been done by England in her whole history, since the day when Queen Elizabeth sent troops to aid the Protestants in the Low Countries. The voice of the earth-born democracy, was indeed, on that occasion, worthy of the reverend listening of Lucretius, of Hooker or of Jones. But we pass by these two circumstances to come to the prediction which the minister hazarded of a general war, and that a war of opinions, at hand. Mr. Canning was a great statesman, but then again he was an Englishman and an insular, as Berkely calls them. He thought he foresaw, if such a war came on, a perilous part assigned to England, for, she would naturally be the Champion of Liberty, avouched by all aspirants, the refuge of the discontented, looked to, prayed to by all liberals, among whom he knew there were many turbulent spirits. This would, indeed, be a responsible part—the Æolus of politics, and would demand immense discretion. To-day we smile at his prescience. He did not dream of the French Revolution, though there were politicians not endowed with second sight who had little doubt, after the fall of Villele, that the throne of the restored Bourbons would not last much longer. In fact, such a war as Mr. Canning described was only to be apprehended from the bosom of France. But suppose France to have remained as in 1823, and a general war of opinion, of the people demanding constitutions in Prussia, Austria, Italy, and the Peninsula, all at once—England is precisely that power in the world which could least play the part of patron-saint and protectress of the votaries of the free opinion. We do but suppose a case which had virtually occurred between 1817 and 1823; and which of the nations was absolutely insignificant, counting for nothing, in that memorable period, except England alone? Austria and legitimized France quell Naples, Sardinia and Spain, while Prussia and Russia stand ready to back them; the Demagogues of Germany are crushed by Prussia, while England remains the imperturbable neutral, a spectatress of it all. No! no! millions in armament and subsidies to overthrow the Continental System she would freely give again, if needed; but she is of too good a taste for enthusiasm, too fastidious for knight errantry, too aristocratic to patronise levelers, too concrete to give countenance to theory, and too reverend of authority and history ever to uphold subjects against their ancient rulers. This prediction was therefore only the noblest incense that was ever offered to English vanity. It is manifest that there is but one power in Europe gifted



by nature with endowments for that sublime part on the scene of history: that power of course is France. Whenever France is mute, kept mute by rulers whose cautious prudence chooses for a while to thwart her ruling passion, then has the struggling freedom of other countries no advocate indeed. That such is the vocation of France in future history, who doubts? Such did she begin to know herself splendidly even under the Martignac ministry. England has another vocation. She would prove the conservative principle in Europe to prevent all change, except that conducted by the extremity of caution. Even Austria will not equal her in this. The problem of the amelioration of human nature, as of the immortal strife between liberty and fate in the Greek tragedies, is to reconcile the perpetual antagonism of the desirable with the actual. France and America will stand for the desirable, but England in consistency only for the actual. This, though not the most amicable of titles, is yet, we submit, very respectable.

But to proceed to another division of our topic. We confess that we put a lower estimate on English civilization, because of the undeniable absence of a love of the ideal which runs through it all. It seems a received canon wherever the English language prevails, that the nature before our eyes, its interpretation, its imitation, its adaptation, is the highest object of intellectual action. We venture to hold this to be far from true. There is an ideal arising out of all the exhibitions of this very nature, which is a just object of that action, and plainly its highest object. Above and beyond nature (but out of materials which nature furnishes) exists the empire of pure philosophy and the just domain of what is strictly called imagination. There is a beauty higher and truer than nature in the physical world; it was in the mind of Claude; for, as Forsyth felt, even when viewing the enrapturing prospect "at evening from the top of Fesoli," and in Vallonbroma, nature but rarely gives more than the elements of superb landscapes which the abstracting artist combines into perfect beauty. In no department of any one of the fine arts, we dare to say, is copying implicitly even from nature the highest reach of the art. The quarry of Raphael is a nature sublimated far above reality, yet in no respect false to the nature it leaves below it. Let no one here imagine that thus to claim a resort higher than nature herself, is to abandon all standard and discard all rules. The contrary holds literally. All just rules are oracles of the ideal: the abstracted principles found true in general experience. Let us illustrate this position. A youthful reader of the Fourth Canto of *Childe Harold*, would imagine Byron to have

most genuine sense of the beauty of the Venus of the Tribune; he is captivated first by the sincere enthusiasm of the poet, and still more by the unaffected scorn expressed for all the *base mechanic rules* of criticism in sculpture. Now, it may be an uncourtly opinion, but every one who travels in Italy, will be apt to utter it for some reason or other: the noble bard was wholly devoid of taste in the arts. For ourselves we will presume to conclude it from this very scorn expressed for rules. It proceeded in him from an indiscriminating sentiment of admiration which is far from being the highest homage due to the marble art, or from an inaptitude to view in detail the beauty which enchanted him in the *ensemble*. The term mechanical is a singular misnomer. Would Byron but have read da Vinci or Mengs, or could he but have listened to Goethe, he would have known that those who feel most intensely, and most unerringly on the subject of the imaginative Sisters, Painting and Sculpture, treat most reverentially the great rules which are the common sentiments of the wise, the refined and definite observers of all countries and ages. Let any common person of that army of English, who annually overrun the Tribune, the Vatican and the Studio, bearing under their arm Madame Starke's Guide-book, and in their memory distinct recollection of Tooke's Pantheon, analyze the emotions he experiences on observing any particular piece. If he have obtained a distinct idea of the subject of the painting or statue, in legend or history, and finds it well set forth, he is apt to feel satisfied: this is the pleasure of Eustace. He may go farther than that. If he possess much sensibility, he studies the passion of the work with interest, and if of an exclusive turn, he is apt to feel an imaginary elevation above common mortals whom nature has not privileged with similar nerves: this is the pleasure of Byron. The discipline of the heart through the sensibility thus experienced in galleries, is, it must be confessed, no ignoble effect of the fine arts. The inflation of soul experienced, if from a sound and healthy source, becomes the enthusiasm of virtue; this is often permanently ennobling to the character. The operation of the fine arts is in that case parallel to the effect which invariably follows the reading of a page of Seneca: and we are yet to see the justice of the disparagement cast on stoicism by the christian doctors, who have at least unnecessarily striven to render christianity the antagonist principle to it. Methodism is its only necessary opposite.

But to return to our observer. Beyond this effect of the arts he cannot commonly go. Higher than this, perhaps he would

assert, no one can go, for he had himself enjoyed the poetry of art. It is, however, possible to go higher, in painting often, in sculpture always. Let us convince him of it. We need not for this purpose call in to our aid a professor from that half-divine southern region, where to be born is to have the true susceptibility for the arts, but a simple traveller from an ungenial northern sky. Our Englishman has not failed to observe that host of uncouth youths and men only less numerous than the English themselves, who too are lookers on. The little cloth-caps, long locks of fair hair, bare necks and dress which would fright St. James' street from her propriety, indicate the youths to be German *Buruchen* just undergoing the process of reassimilation to a world of Philisters, down to which they are degraded by issuing from their university. Let him listen to a traveller of this nation; among the yearly swarm of them, old and young, he may be sure to find at least, one who can dissert scarcely less brilliantly than Winkelman or Böttiger. If he be capable of receiving the ideas of such a person, he soon feels it to have been no airy assertion of the great critics, that the pure dominion of the fine arts is *ideal*. Painting is of the two arts of which we are speaking, the more concrete, but sculpture is undoubtedly only ideal. As far as the historic purport or the *morale* of sculpture reaches, sculpture is an imitative art. But it is not all imitative; at a certain point imitation of nature ends—a statue dare not resemble life. The proper glory of sculpture is its abstractive essence, like the colourless material it works on: now, this is within the resort exclusively of the intellect, we do not mean of the understanding, but of the pure imagination. Every traveller who has been so favoured as to hear such a person descant, has noticed with delight how new beauties before unsuspected, start before his eyes, how fitnesses and harmonies are developed, and as a perception of the ideal enters his mind, he sees the field of the art expand, and the reach of his mind lengthen almost as if one hitherto limited to the touch in making acquaintance with external objects, had vision suddenly superadded to it. We are above the miserable affectation of originality in the above positions; they are common-places in all languages and infinitely better said by Englishmen themselves, by Smith and Reynolds if you will, than by us. But they are not the less needful to have been touched on in our estimate of English civilization. What we note is, that in other national tastes these doctrines have taken root—in the English, not in the least degree. Now it is amazing how far below, not merely the Italians, but the Germans, and not less the Swedes and Danes, are the

English (we include the Americans) in this the true susceptibility for the arts which they carry to their travels. America may stand fairly excused, but England cannot, except she consent to throw the blame on ungente nature; and this is, we dare say, the literal truth. We have known many who conscious that they were lifted far above the illiterate and the obtuse, by learning enough to enable them to delight in the study of antiques, as an illustration of ancient literature, and by an acute sensibility for the passion demanded by the subject, had yet the mortification to perceive and the candor to admit, that nature had denied them the *entrée* to the sanctuary itself. That judicious instruction may do much to remedy this, is perhaps, truly alleged; but who would not sigh for the happy nature of the ancient Greeks, the people to whom the ideal was a native inheritance! And what do our English bring back with them from their travels? We would by no means deny the prevalence of an infinite deal of cant about styles—what else? Why, the same gold, which inspired the thought of transporting one of the marble palaces from the Grand Canal of Venice to London, has purchased a number of Canovas and Thorwaldsens for England, greater than exists in any country, save Italy and Denmark. Besides this, it is just to add, that, among the younger school of sculptors at Rome, the English Gibson, Wiatt and Gott, are among the most distinguished. But what is sculpture to-day in England, but the carving of busts and profiles? What do the shelves of Chantrey's study display but mere likenesses of his contemporaries, almost exclusively busts? Few candid Englishmen, perhaps none, but Chantrey himself, would contradict us if we asserted that he dare not attempt a group, much less an ideal group, because he knows his incompetency. He himself would contradict us, point to his only group (the Babes of Litchfield) and allege that there is no encouragement in England for the high ranges of the art. Both are true. The amiable Allan Cunningham who does the honours of Chantrey's study, is known to have said when speaking of a young sculptor, who was one of the exhibitors at Somerset-House last year, that he was sorry he showed a turn for the ideal, for, he could not expect to make his bread in that path in England: just as one would discourage a clerk in a house of business from meddling with poetry.

This unsusceptibility of the English is neither unfairly charged, nor is it an isolated trait. It is of the very essence of her entire civilization; which civilization, we believe too, to be of the most perfect consistency with itself in all its parts.

What is the ultimate reach of English music? The regulated perfection of harmony is unknown to it. Scotch music, which only lifts its modest head with pretension to melody and the popular charm of association, pleases from its concentrated nationality. But if any amateur should tell us, that he has discerned harmony or melody in living English music, we can only say, that we wonder what Mozart would have thought of such a phenomenon of taste as he is?

Another chief ground of this lower estimate of English civilization is, that a large class of the essential English opinions, of the present day, have their foundation, not in reason, but in prejudice. The evil here complained of is not that such opinions are therefore false, but that there exists a disposition to prefer prejudice as a foundation of vital opinions. To allude to this idea, of course calls the thoughts of every reader to the renowned defence of prejudice, by *ὁ γὰρ* Burkius. If there be any passage more characteristic of the great master of political philosophy than all others, it is that passage. In so many words he professes to love a truth the more for the covering of prejudice which envelopes it—its long reception makes it lovely, and incurious custom consecrates it. There is an humble class in the world belonging to this school who seem to mortgage their whole understandings, with all their right of acquiring knowledge, for the consideration of a quantum of old sayings, and are all their lives wondering over the inexhaustible truth of their farthing maxims. We have too genuine a regard for Burke to count him among these. Can any sentiment, however, be more baleful to the cause of truth than this of Burke? There is something more respectable than universal belief, it is Truth; an arbiter far more imperial than Prejudice, it is Reason; a mistress of human life wiser than common sense, it is Good Sense. Is it for a moment doubtful what are the limits within which prejudice has an authority sanctioned by philosophy? That it "may safely be trusted to guard the outworks while Reason slumbers in the citadel," but that Reason, awake, can rarely condescend to take Prejudice into her cabinet council, when she is sending out "her posters by sea and by land" to discover Truth. Often admitted, Prejudice corrupts, perverts, lethargizes, and straightway begins to erect herself into the Mayor of the Palace, the viceroy over the king. There is a tender age when all men are incompetent to investigate the foundations of the maxims necessary to guide them, and there is a large class of men of every age who are incompetent, or must be excused from this investigation. But what shall Philosophy say to the

sage, whose business is with another circle of men, with thinking men, who yet pretends to recommend as their safest interpreter of Truth, not that High Priest who alone of all her ministers has ever entered her recesses or will ever see her unveiled visage, but a slave whose station is in the vestibule? Indeed, Reason can never with safety take Prejudice even as an ally, as a mercenary recruit, except for special cases of necessity. It is all one, in the view of Philosophy, when you do confide in Prejudice, whether she be merely Unreason or Anti-Reason; doubtless you may find your account, on some occasions when you have no light to guide you, in surrendering to her blind guidance; but beware how you conceive a preference for her. Never was a truer *tormentum Mezentii* than you inflict on living Truth, by fastening it to decayed Prejudice. These may seem exaggerated generalizations, but to us they appear hardly adequate. English writers all acknowledge that the estimation which the pure search of Truth possesses in England, is very reduced: whether it was formerly very high we shall examine hereafter. What we have said is so far true at the present day, that it only needs a little specification to strike every one. What Prejudice is to Reason, compromise to right, the same is prescription to a legal title. True, among all reasonable men compromise and prescription must be bowed to—they are effectual bars of the rights and titles from which they derogate. But mark the turn of mind which, by preferring to rest in prescription and agreement in things which are their permitted domain, soon comes, and naturally too, to revere the authority of time and precedent more than of justice, in matters wholly without their domain. There needs no illustration of this, but the course of Whig argument for the last forty years in assertion of the freedom of the realm. They rarely do more than trace the genealogy of freedom anxiously up to the days of their Anglo-Saxon ancestors, or to the middle times of the bold Barons.\* It is sufficiently ridiculous in them to limit their titles to those semi-barbarous times, where concessions will be found in no wise adequate to the large demands of an age of perfected civilization. But then were they not

\* "Es erben rich Gesetz' und Rechte  
Wie eine ew'ge Krankheit fort;  
Weh dir, dass du ein Enkel bist!  
Vom Rechte, das mit uns geboren ist,  
Von dem ist, leider! nie die Frage."—FAUST.

Translation.—Laws and Right do but inherit themselves onward, like an eternal disease; wo to thee, that thou art born a grand-child! of the Right that is con-  
nate with us, of that alas! not once the question is.

justly rebuked by M'Intosh for their manner of claiming more by descent than by original right? It was, indeed, somewhat a degradation of their client to make even a principal prop of her cause to consist in early precedent. If freemen are anxious to vindicate their fathers from the imputation of having lived without freedom, we applaud them; but as the lapse of time cannot deprive in such vital points, it is also a weak argument when favourable. If in geometry there be no prescription or foreclosure available against outstanding truth, so equally can there be no foreclosure in high matters of primary politics. That there is another class of asserters of the freedom of the realm, termed Radicals, we do not forget: but we fear philosophy would be as little disposed to own them for her votaries, as would fashion at Willis' rooms.

What is it which characterizes British metaphysical philosophy? There are illustrious names, none can deny, on its rolls; but neither English nor Scotch books, nor the writings of their French allies or opponents which alone the English consult for information or illustration besides their own, compose the whole school of true philosophy. The philosophy of true British growth and consonant with her whole civilization, the philosophy of Locke, *clarum nomen*, and of Reid and Beattie (we see no propriety in adding the epithet *clarum* or *venerabile* to these last) is that which "inaugurates Common Sense on the throne of Philosophy," restricts her own domain to the observation of the actions of the mind, regards all ontology (or the science of the nature of being) as an irreclaimable chaos, the fruitless exploration of which nature has forbidden to the wise by a Limbo of vanities interposed to warn, authorizes faith in no dogma which cannot be subjected either to experiment or observation for the purposes of induction, and encourages the pursuit only of such inquiries as lead to practical, sensible results. The host of useful and valuable truths, within these limits, with which she has endowed the world, is not more characteristic of her system than the indication of that indefinite host of supposed truths which she calls indemonstrable, or those topics which she stigmatizes as without the limits of rational inquiry. We may state these in the words of Professor Jardine: "the general attributes of being, existence, essence, unity, bonity, truth, relations, modes of possibility, impossibility, necessity, contingency and other similar abstract conceptions of pure intellect," with the vast topics which must be treated and settled in order to attain self-knowledge. Is not the day come yet, when it may be uttered in the English language, that such a philosophy, so limited as the system we describe, though a

legitimate portion of the science of spiritual truth, yet is not all of it, nay, is not by any means the highest part of it? We know that the absurdities of schoolmen of the middle ages, and the memorable lines of satirists have made the very name of *entity* ridiculous to English ears. Yet surely we forget that if theory was ridiculous in the schools, experiment was no less so in the laboratory, for experiment and observation were resorted to for the discovery of truth, before as well as after Bacon. Would any one twit us with Butler's wit against logical method, might we not retort, from Aristophanes, on physical philosophers? No choicer wit than that in 'the Clouds' on the experimenters in natural science, who, for aught we see, were Baconians, only not grave enough in their selection of subjects. Nay, may we not say that the most laughable errors of metaphysicians can be paralleled by the conclusions to which the Great Chancellor himself sometimes came by diligent induction? The sovereign efficacy of the inductive method, and its sway over all subsequent philosophy in Europe, are fixed ideas chiefly in the brain of the Scotch and French. Dr. Brewster has admirably treated this matter in his life of Sir Isaac, shown how greatly the claim of the method of induction to be the clue to all modern discovery must be qualified, and reminded us that neither Locke, nor Boyle, nor Newton have once mentioned Bacon in their works—nay, that Newton, so far from being the disciple of Bacon, was really the follower of Galileo and Kepler. And all the learning of Lord Napier in the transactions of the Edinburgh Philosophic Society will do little to disturb these positions. The name of Bacon is inappreciable: but this credit he would not have claimed for himself. But to continue:—the question now is, whether there may not be inquiries made in ontology to-day, (under the illumination of modern wisdom) as far juster than those of Aquinas, as the induction of Davy is than that of Sir Kenelm Digby? It is in vain to strive to banish the mind from the investigation of the class of topics mentioned by Jardine. Whoever is at all gifted with the true philosophical imagination finds delight in them; feels that they are the native dominion of pure philosophy; that to deny himself their meditation is to curtail the dignity of man; that nature designed to lavish on our species a large birthright, and pronounced him her noblest child who goes farthest to enjoy it all. He knows that nature has given us a soul, and "Reason is her being, discursive and intuitive." That noblest child is the philosopher, and philosophy in its most exalted department would be his occupation, "the science of ultimate truths—*scientia scientiarum*."



Let us not be imposed on by those who would imprison the mind within the visible diurnal sphere. Let us not soil the dignity of this first of sciences by forbidding her to appear in the world, except under the person of popular philosophy which a wise man has pronounced, "the counterfeit and mortal enemy of all true and manly metaphysical research." Let us allot to such as will be content with it, the limited range of empiricism; (the whole philosophy of experiment and observation—a large range but only too limited,) but then this school must consent to admit that it is "neither possible nor necessary for all men nor many, to be philosophers" in the highest sense. Should the empirical school, however, refuse to recognize the other sect, they do but convict themselves of what Bacon called "an arrogant pusillanimity." The precept that descended from heaven was the whole *nosce teipsum*, not so much of it only as the eye and the immediate consciousness could teach. And there are not wanting a few men in England who have learned that all modern researches after ultimate truth have not proved either ridiculous or fruitless. The day is coming when auditors may be solicited even in England, for the discoveries of those Germans, who, learned in all systems, have presumed to think that they too may boast trophies, and of conquests in higher fields. Let the English, at least, from what they know of Göethe, of Schiller, of Schlegel, Heeren and Niebuhr, (and how much they have added to the world's stores of good sense) have the modesty to suspect that what their compatriots, the philosophers have written, is not wholly nonsensical. Nay, let them be a little solicitous, lest in their scorn for German metaphysics, of which they are wholly ignorant, they deserve the retort of Schlegel on the Scotch: that Scotch philosophy is a paltry, mechanical art, rather than a science.

In the first place, what can be said of those whose standard in metaphysics is the oracle of common sense, or the general consent of the world? Surely their philosophy is not that being whom Socrates brought down from heaven to dwell among men, but is a genuine *filia terre*. How just is the remark of Coleridge, that "it is the two-fold function of philosophy to reconcile reason with common sense, and to elevate common sense into reason." He adds in another place, "would you assert the Newtonian system, such a pseudo-philosopher might vanquish you by an appeal to common sense, whether the sun did not move and the earth stand still." Secondly, does any one object that the empirical philosophy does in reality contain whatever can be designated by the name of knowledge? We answer that the results of pure philosophy are not of ne-

cessity less certain, because theirs is the certainty of reason. True, the wisest may make false moves in it, but this does not declare truth in it to be wholly unattainable. Indeed, if one certain truth has been discovered in it, that is sufficient to encourage progress in this the highest vocation of the mind. So might the portrait painters have objected to attempts to picture the ideal, and thus might they be shamed by a single successful work of Raphael.

The contempt for pure philosophy has naturally fallen heavy on logic, and the poor syllogism is held up to supreme scorn. That, before Bacon, it was not used for the discovery of new facts, some have candidly admitted; that induction was often resorted to by Aristotle for that object is also well known. It ought then to be owned, that the syllogism claimed to be an available instrument only as the *analytic test of reasoning*. Logicians say, that the theory of their syllogism is, that whatever can be affirmed of a class, may be affirmed of every individual in that class. Here English Common Law interposes—and this is the brightest feather in her cap—she declares that then the conclusion was wrapped up in the premises, and if so, it is but farcical to prove to a man by regular steps what he admits *totidem verbis* at first. To this profound objection logicians reply, that true it is, syllogisms cannot discover new facts in physics, though they may new relations in metaphysics; but they submit that, as far as all reasoning reaches, the sole process known to men is to evolve particular truth out of some general postulated truth. The logicians farther submit, that specification and definition are main instruments in all ratiocination, and that whether we reason with three propositions, or with two, or without regularity, all we ever do by ratiocination is to educe disputed truth out of admitted dogmas in which it lay unperceived. We will not hazard ourselves in this abstruse question, though we suspect the longest train of reflection will end in the confirmation of this last assertion of the logicians.

We reassert then that if the philosophy of a nation be the highest index of her civilization, the *Homo Sapiens Britannus* is not altogether the most exalted being possible. His is but the safe mediocrity of nature. And even in that branch of metaphysics wherein she allows her talents full scope, the science of the moral and intellectual function of the mind, she must suffer it to be said that she will not bear a very favourable comparison with the Germans.

Sir William Drummond, as we perceived, says, that the free and philosophic spirit of England was once the admiration of Europe. For freedom in religious inquiry (which we suspect was his drift) certainly England has ever been eminent; and that the unbelieving side has been more ably maintained than that of the true faith, is as sure, as that in the war for and against materialism the English materialists, exceed in ability their English opponents. The conclave of English orthodoxy is *tant qu'il soit peu* unsatisfactory in its reasoning and elliptical in its learning. What has the Bench of Bishop, with all the Presidents of Colleges and Divinity Professors cumulatively, done to purge the blood of the English language of the poison of Gibbon which circulates through every vein of it?

Before we take our leave of this branch, however, we are not afraid of being laughed at for offering to grapple more closely with this popular idol, this Cleon, Common Sense. For a definition we prefer to go to Tully. Ernesti (*clavis ad voc: sensus*) says that as used by Tully, "*sensus communis continetur notionibus insitis, et naturali facultate intelligendi, judicandi, ratiocinandi, recti et boni cognoscendi*;" it has also the secondary meaning of sensibility. Let us then proceed to distinguish it as a *ratio cognoscendi* into first merely intellectual, second merely ethical, third merely prudential. That the common moral sense is worthy of all homage, we admit; it is conclusive. Furthermore, we admit that the prudential common sense "*natum rebus agendis*" is an invaluable guide in life. The pity is that "*le sens commun n'est pas si commun*." We have all due respect for those persons who are such bright concretions of this substantial quality, and only wish they did not think it their duty to scorn all poets, theorizers and other ingenious gentlemen who are lovers of curious and ornamental knowledge, as unproductive drones. Men whose talent is for affairs only, will do well oftener to inform their tenement of clay with a like spirit: they should have the grace to suspect that the assumed superiority of practical shrewdness over speculative wisdom, will never daunt speculation, but that only true theory can dispel false, and only much learning cure the errors of half learned speculators. But when we come to that first branch of Common Sense, wherein it presumes to judge of the true and the false, we unhesitatingly assert that, save where it is perfectly identical with simple consciousness, it is no judge in the courts of Philosophy. A judge in the market and adequate to the market, she is. But where Reason designs to vindicate any province of the true and false as suffi-

ently enlarged to be worthy of her jurisdiction, the other must give way.

Finally, if the mistress of English opinion be Common Sense, and their dominant aim be practical utility, we must turn them over to Mr. Cooper, to astonish them with the undoubted superiority of the Common Sense of America over their own. But we intercede with the ingenious novelist to term the American quality not Common Sense, but rather *true good sense*. That the English Common Sense is not identical with shrewdness in affairs, or *finesse* of mind, we may perceive by this, that the world agrees, from Commynes' assertion down, that England never did produce one eminent diplomatic negociator. Even us the English upbraided, with having taken advantage of their weakness in this particular.

A word or two on some points of her literature. Her own critics have taken it on them to complain of the neglect of pure mathematics and science in general, at the very instant when her practical ingenuity is the miracle of the age. It is honorable to English candour that Professor De Morgan, in his translation of Bourdon's Algebra (we believe) stops at a certain elementary stage and avows, that if any one wishes to explore beyond that point he must study the French language. The contemporary classical criticism of England is not often quoted with honour in Continental auditories, though the Germans who are the most learned are the most liberal, insomuch that Thiersch confesses Bentley to have been the first of critics. Little that is enlarged on classical criticism is published in England except what comes out of the German; and that their German translations are not the ripest possible, we may guess from the fact that poor America has been pillaged (from him that hath not, &c.) of the credit of her only two valuable translations, Buttman and Heeren, (Pol. Ancient Greece,) printed in England as British translations, with a modest slur at the want of acquaintance with German manifested by Mr. Everett and Mr. Bancroft—a want which was not suspected in them in Germany.\* The actual monopoly which the Germans enjoy of the glory of recent criticism in the provinces of ancient history, poetry epic and tragic, ancient philosophy and the genuine original mythic theology, is the loftiest of intellectual trophies, saving only the kindred spoils in the science of celestial me-

\* Germans have several times called the writer's attention to a comical misapprehension of Lord Leveson Gower in his translation of Faust. When Wagner, in a scene with Faust, exposes the deceptions of demons, he says, "when they lie, they prattle like *angels*," not Englishmen, Lord Leveson; not *Angli*, but *Angeli*. We do not know that this is corrected in any recent edition.

chanics, and such permanent conquest as it has been vouchsafed to mind to make, thus far, in the highest metaphysics. Every body now knows that by the perfect classical learning and taste of the Germans has the true merit of Shakspeare been first reached; that Lessing, Göethe, Schlegel, Tieck and Coleridge (for why not count him among the Germans, *plus Allemand que les Allemands*) have raised the English Poet to an eminence which no one of the editors in the Variorum Shakspeare had dared claim for him. There is even now a more Shakesperian taste in a German audience, when one of Schlegel's translations is played, than at Drury-Lane, as one will perceive by comparing Cibber's miserable patchwork of Richard III. with Schlegel's version which opens with the first line of the true Richard, and proceeds faithfully to the end. A similar critical acumen has rescued Don Juan from the degradation of resemblance to a Faublas, and placed him on a parallel with a Faust.\*

Another legitimate topic is the actual degree of refinement in England. Observing travellers inform us that the aristocratic sentiment has even advanced with gigantic strides in English society in the last fifty years, while in France it is virtually extinct. That it pervades the Whigs as thoroughly as the Tories, thus rendering that which was the most odious feature of Toryism an essential quality of the name Englishman. That it exhibits itself in its upward aspect servile, and in its downward supercilious and repulsive. Never saw the world such private fortunes, nor so many of them, never such perfection in the common arts of life, never greater luxury and certainly never so artificial a state of society. The leading alteration which manners have suffered in the present century, undoubtedly, is the appearance for the first time of a systematized coldness or apathy, which, beginning in the upper ranks, is spreading every where. Not to admire is all the art they know: were Horace, who was we take it the first of this school, to come among them now, he would be tartly reprimanded we fear for the positive buoyancy of his character. Enthusiasm is the single horror of these people. We wish we had a few specimens of the negative, passionless, unpretending style in our community, which is composed, in two great parts, of men perpetually intent on popular admiration, of over polite, bustling, enthusiastic people. But the stoicism of Grosvenor Square, in becoming national, will not fail to serve as an extinguisher of much vivacity of mind and heart, and

\* See the last chapter of Coleridge's *Bio. Litera.*

may go far to reduce our *Inglese* to a very dull, selfish person. What apology for dullness, and cloak for inferiority of soul, was ever invented equal to this? Of necessity, this new style is accompanied by the introduction of a perfect system of exclusive *castes*. It is quite true that the reign of the Exquisites is ended, and that of the Exclusives begun: the Dandies are voted to have been too violent pretenders, and a *recherché* simplicity is voted in. In the exclusive system the rival claims of blood and wealth have been nicely adjusted, and now people may associate without losing dignity, i. e. with their own set. To be sure the system makes one Englishman singularly afraid of another, or singularly rude to him, whom he meets without knowing him, at the same time that they both would agree to shower honour on a foreigner to whom they may attribute any sphere they please. We sadly suspect, however, that this artificial arrangement is a miserable servitude, that tortures like the rack many a luckless monster with a sympathetic, social, communicative turn. The Englishman is still the best horseman and the gentlest sportsman in Europe—he claims to be the best dressed man: perhaps he is. Though he must be admitted to have the poorest national *cuisine* extant, yet he has the sagacity to hire foreign science, and avenges the unwillingness of *Minerve Gourmande* by unlimited cant. Though he never comes to speak French well, yet he manages to talk more French in his English than Old Burton would have cited of all his languages, in the same length of time. There is something, by the way, singular enough in the perversion which these foreign scraps suffer by transplanting into English use. It is to be well seen by reading a French translation of some book, say Lady Morgan's 'Boudoir,' where the only difficulty for the clever translator is to comprehend her French quotations. The difference between the English *piazza* and the Italian, is but one of many instances of the tendency of words to depart from their original meaning when adopted into English conversation, and may induce the suspicion of what whole sentences may lose by misquotation from mouth to mouth. After all, in point of whatever goes to make up manhood, we fear that the present apathetic, exclusive English, though they have passed the Catholic Bill, and may pass the Reform Bill, yet are hardly worth the ~~sign~~ of Merton and Runnymede.

II. We come now to our second head. We are not of those who think it calamitous to America to have inherited the English language and literature. Still less of those who imagine that America has a vocation to make a new era in the mind. And least of all are we of those who believe that this new epoch is to be made by the abandonment of the literature of the

ancient democracies, and the dedication of ourselves to what some call useful knowledge. This cant in an American mouth is the veriest unreason and the most pernicious charlatanism that can be conceived. Much rather, if America is destined to make a new era, should it be in the reception and faithful use of the peculiar riches of all nations and of all ages. Our situation is like that of the Colombians, whose equatorial position enables them to behold all the stars of both hemispheres: our visible heaven, figuratively speaking, is the entire concave, and every star is either beneficent or harmless to us. The model of a republic for America is given by Pericles in the funeral oration in Thucydides: it must be a republic that can incorporate refinement, taste and luxury into its system of equality as available agents, or there must be provision made for them as for friction in a machine. Nature and an age too late—an age of commerce and wealth, of civility, of perpetual international intercourse and of contagious example on every side—both alike forbid as impossible either the revival of the *farouche* republicanism of Sparta, or the reduction to practice of the pastoral conceits of Raynal. But though America must submit to conform herself to the condition of the world, and may expect no more than a due share of credit for such accession to the general treasury, as the old modes of learning, experiment and meditation will enable her to collect, yet we have a distinct complaint to make. It is that those who furnish us our instruction feed our minds with hardly any knowledge but what comes through English hands. Now, it would not be too hazardous to assert that English literature (if exclusively taken) is not just the most salutary for republican study. But we will not press this. It is enough that her literature does not embrace all the wisdom, nor all the higher wisdom of the human species; golden temptations lead us into other literatures, to correct and supply for our own use the inherent errors and defects of this. Neither shall we ever be satisfied that the knowledge of foreign literatures, or information of foreign history should come to us exclusively or chiefly through the hands of England. Our country is already possessed of those who are competent, if they will, to furnish us proper information on the novelties of letters and science with which France, Italy and Germany are daily adorning the world. What would be the contempt we should deserve for remaining liable to such imposition as that of the sentiments of the Scotch Reviewer of the life of Goethe? As to intelligence of foreign events, the English annualists and newspapers, of all others give the least accurate or complete counts. Mr. Jefferson formerly was earnest that the *Gazette*

of Leyden, a republican sheet, should be adopted by us as the chronicler of continental news for America. Circumstances are even more urgent now, than hitherto, for renouncing the English medium. The Prussian State-Gazette, and the Austrian Observer give best the authentic expression of the opinions of German cabinets, while the Universal Gazette of Augsburg, not an official organ of any party, though not immaculate, may yet be called the best repertory of news from Turkey, from Eastern, Middle and Western Europe that the world has ever seen. That these sheets should never reach America is lamentable enough: but what is unpardonable is, that so little use is made by our editors of the French papers. If we want the German papers for information on the passing history of Germany, Russia and the North, we want the French not merely for their own news, but for doctrine as to all. But from English papers, and from them alone, are we told every thing. What English journalists and historians tell better than others is only English history and news. Let one but study the disquisitions on Continental politics in the *Courier*, or *Morning Chronicle*, and in the *Journal des Debats*, or the *Constitutionnel*—even take the Tory *John Bull* and the Carlist *Gazette de France*, or any other contemporary remarks, and the superior fairness as well as sagacity of the French journals, is prominently conspicuous. Why cannot the American editors in the seaports spare time enough, or rather get learning enough to supply us with the detailed views of foreign affairs taken by the French?—not merely the debates of the Chambers, but also the essays of the journalists who are the virtual masters of French opinion. Take the English lucubrations on Germany, and submit them to any German statist: they are merely fit for his mirth. From no book in the English language is any just idea of the system of Germany (which is the balance point of that of Europe) to be obtained. Lord Brougham is doubtless one of the best informed of his countrymen on foreign affairs, but even he does not rightly apprehend the relations in which the crown of Hanover stands to that of England: we say this in modesty, yet how avoid saying it, when he declared in the House of Commons two years ago, that “it seemed the Salique Law prevailed” as to the descent of the throne of Hanover. If we inquire either of Montesquieu or of the Archbishop of Canterbury, in the first act of Henry V. what the Salique Law is as to the crown of France, we learn that females are excluded wholly and forever, from the succession. But when all the male agnates are extinct in the line of Hanover, the females begin to succeed. Lord Brougham is a feudist and



should know what a fief male and female under this limitation would be called. To her journalists we apprehend Germany is still a Hyrcinian forest tenanted (besides the wild boar, which are capital hunting,) by serfs with a harsh guttural dialect, and a few Lords in *Chateaux*; (how many the German sovereigns are is only known at the foreign office, where credentials for the ambassadors are made out) the amusement of English journals is to shake the fetters of these serfs in the faces of their masters, and demand of them the promised constitutions, though we are not aware that the poor kings have ever yet been allowed a day in court.

To what is it to be attributed that of all European affairs only English politics are well understood in America? Who is to blame that the history of France from the restoration up to the accession of the Polignac ministry, a period as full of instruction for all constitutional governments as the entire period from 1688 until 1832, in the English annals, is scarcely better known in America than the contemporary events in Turkey? We suspect our insulars must bare the blame of keeping us in uncertainty and ignorance. The general mind of America faithful to the hand that feeds it, takes delight in studying English concerns: we will specify a case, where curtail-ing itself to the acquisition of small things, it would suffice for learning the whole system of Europe. How many Americans know Debrett well, who could by no means count how many independent States there are in Europe? Suppose for Debrett were substituted the genealogical almanac of Gotha; they would thus exchange petty information, no ways concerning them, for knowledge which is history. And thus it must obviously continue; for, if none but English knowledge is put in our reach, the most ingenious student will only become more English than his duller fellows. Let no one sneer at us, as trying to subtract the American mind from its only natural and mother-jurisdiction. We aver, before heaven, that we believe the instinct of liberty in America will one day be endangered by the uninterrupted influence of contemporary English literature and manners. Undermine a few principles, and efface this instinct the most vital of all, and our Republic could not sustain itself forever by its own weight. The sentiment of Aristocracy, with which her literature is at present more pregnant than it ever was before—and scarcely more in Scott than in Moore—once fairly introduced, in the train of fastidiousness and exclusiveness, would do the work of our destruction more effectually than sermons preached by a Sacher-verel in every village in America for a century. But we should

wrong ourselves if we said there was proximate danger of this: enough, that it is a possibility. We dare not go free of all care, knowing the deposit we bear.

The spirit which has animated us, in what we have written, is not of hostility to England, for we profess to fulfil scrupulously the maxim of public jurists, "nations at war are the only enemies, all others, friends." We have only spoken to our countrymen for the interests of democracy. We could by no means permit ourselves to offer wanton reproach to England. What we desired to inculcate was that the dignity of human nature might be alike elevated by searching beyond the English limit, that justice to ourselves demands that we should sometimes follow another guide besides the English Sibyl, who neither knows any thing, nor is the fittest to conduct a democracy. Beyond this, we add: the closest bond of union which need bind us to England, is, perhaps, the treaty of commerce between us. Treaties of peace prescribe mutual comity, but do not enjoin companionship. In spite of the humane philosophy of Mr. Irving we cannot think England the most natural bosom companion of America, or that we owe her more, in duty and affection, than is nominated in our bond. Nor, for the reason that we are the two freest people on earth, descended of a common stock, do we feel the touch of nature draw us to her embrace: for, perhaps, our respective liberties are not much akin to each other, and we are candidly of opinion that the two nations of European origin which are the most unlike, are Great-Britain and the United States. Produce your voucher! Captain Basil Hall. Then again, except the occasional blandishments of the *Edinburgh Review* and *Blackwood's Magazine*, we are half afraid the English are not more desirous of being the object of our romantic affection, than we, for our simple selves, are of seeing America proffer it. In candour, Captain Hall's book is one of sterling honesty—the genuine avowal of British sentiment with regard to America. It is what every thorough Englishman (and the sailors are the most thorough) must think of us, if they reason and feel logically. But it has done good for America among the aristocrats; for which of them will not blush to see how paltry the sum total of British detraction from our character is, and own with a smile that he never knew the claim of aristocracy to be so brainless a mask, as it is shewn to be by its favourite apologist. Let the English continue to think that Americans are nothing but the men of Liverpool, Birmingham and Glasgow transplanted into a new world: it is our fault if we either are, or long re-

main second-rate English. The deposit of democratic liberty is little safe in our hands, if we be.

We have thus far not paid any attention to the excellent book, at the head of this paper. Sir James knows that he has a sure place in the heart of America: but it is something more than this book which we expect from him. We are longing for a suitable history of England from the revolution of 1688 up to this day, and we respectfully complain that he is slow to fulfil the world's hope. He will be eagerly read in America, when he comes forth with that work. So far from neglecting the reading of English history, we even doubt if it is not a great deal too much studied in the United States.

It is, no doubt, of the first consequence to a practical lawyer, that he should study well the civil history of England—but as for those speculators who with us usurp the high office of directing our judgments on political subjects, verily one is sometimes provoked to wish that they had never heard of that history at all. In the trackless desert, it is necessary sometimes to turn our eyes from the sands around us to the stars above us, but we are lost if we keep them there too long; in the untrodden wilderness it may be well to look to the way behind us, but it is better to ponder well the path before. Politics, is indeed, something better than a set of cunning rules often suspended by a miscounting selfishness, and ever flexible to every emerging circumstance: it is an art founded upon general, and, we believe, certain principles; but it is an art purely practical in its very nature, and it being once perceived that it should be the object of a statesman to provide real securities for the liberty and property of those whom he presumes to govern, it ought never to be forgotten that in choosing efficient means to effect this object, "he must ever have an eye to the place where, and to the men amongst whom he is."

"In the monarchies of Europe different orders and ranks of society are established, large masses of property are accumulated in the hands of single individuals, and standing armies are necessary;" but the condition of these United States is in all these respects wholly different. And yet, let the question be how it is possible in a representative democracy to prevent the majority from abusing the power of laying taxes? Let the question be, whether a man who has two cows has not as good a right to vote as he that owns one horse? Let the question be, whether it is not reasonable that those who act for the people should do as the people tell them? Let the question be what it may, what is the first thing which most American politicians

are sure to do? 'They spread their books—they are quite sure that whatever question may arise here, a question in *consimili casu* has already arisen in England; they hunt for an English authority, a case in point, and end with this. They take it all along for granted, that whatever it was prudent and just to do in old England two centuries, or, if you will, two years ago, it is of course prudent and just to do in Virginia or Carolina now. Let no one suppose from all this, that we look upon history as nothing more than, what it certainly is to the common race of readers, the aliment of unthinking curiosity or the amusement of restless indolence. To those who consult it with minds fitted and prepared to learn, it were a silly paradox to deny that it is of all studies that most likely to furnish us with a solid knowledge of those things which concern our conduct. What we wish to say is that it is idle to light the lamp of experience, if we hang that lamp where it can be no guide to our feet; that however well it may be to question the oracle of wisdom, the responses of that oracle can after all be worth nothing to him who cannot interpret, or will not apply them. "History," says Mr. Burke, "is a great improver of 'the understanding by showing both men and affairs in a great 'variety of views. From this source much political wisdom 'may be learned; that is, may be learned as habit not as precept; and as an exercise to strengthen the mind, as furnishing materials to enlarge and enrich it, not as a repertory of 'cases and precedents for a lawyer; if it were, a thousand times 'better would it be that a statesman had never learned to read—' *vellem nescirent literas*. This method turns their understandings 'from the objects before them, and from the present exigencies 'of the world to comparisons with former times, of which after 'all we can know very little and very imperfectly; and our 'guides the historians who are to give us their true interpretation are often prejudiced, often ignorant, often fonder of system than of truth. Whereas if a man with reasonable good 'parts and natural sagacity, and not in the leading-strings of 'any master, will look steadily on the business before him without 'being diverted by retrospect and comparison, he may be capable 'of forming a reasonable good judgment of what is to be 'done.'"

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ART. VIII.—1. *Catechism of Political Economy, or familiar Conversations on the manner in which wealth is produced, distributed and consumed in Society.* By JEAN BAPTISTE SAY, Professor, &c. &c. Translated from the French by John Richter. Philadelphia. 1817.

2. *A Treatise on Political Economy, or the production, distribution and consumption of Wealth.* By JEAN BAPTISTE SAY. Translated (in England) from the 4th edition of the French, by C. R. Prinsep, M. A. *With Notes by the Translator. From the American edition, containing a translation of the Introduction, and additional Notes,* by CLEMENT C. BIDDLE. Philadelphia. 1830.

To those who are in the habit of disparaging the science of Political Economy, we would propose one opportune test of its utility. Had it been understood heretofore, the Tariff would never have existed—were it understood now, the Tariff would not for a day longer glare above the horizon to perplex the Councils of the Nation with portents of disastrous change. Had it been duly taught and studied, that unhappy state of things this day afflicting our country, painful to the patriot and grateful to the minions of despotism, would not have been developed. The prophecies of a dissolution of the Confederacy, which have echoed on our shores from the other side of the Atlantic, would not, at least, have found sponsors among ourselves. The last achievement in the cause of liberty and justice would not be wanting to our institutions. Freedom of industry and equality of taxation would even now also be pillars of beauty and effulgence in our capitol. The angry discussions and sectional animosities consequent upon unfurling the transcendental and penultimate rights of the States, would not have disfigured our national annals. In short, had correct and full knowledge been among the people upon this subject, that Pandora's box, the "Protective System," would never have been opened, and if hope still linger beneath its lid, to this science it is that she must look for aliment and life. Political freedom as a nation, civil freedom as citizens, the freedom of religious opinion and of the press we have realized to the full. Yet there remains to be achieved the *freedom of industry*. Competition is the best encouragement, monopoly its most deadly foe, and that government which grants the one or shunts the other is guilty of tyranny.

“ There is yet one step more to be made, [says the writer under review,] and that can only be rendered practicable by the wider diffusion of the principles of political economy. They will some day have taught mankind, that the sacrifice of their lives, in a contest for the acquisition or retention of colonial dominion or commercial monopoly, is a vain pursuit of a costly and delusive good ; that external products, even those of the colonial dependencies of a nation, are only procurable with the products of domestic growth ; that internal production is, therefore, the proper object of solicitude, and is best to be promoted by political tranquillity, moderate and equal laws, and facility of intercourse.”

Believing with Seneca that “ *nunquam nimis dicitur, quod nunquam satis discitur,*” we do not hesitate to bring forward the works at the head of this article, notwithstanding the almost innumerable treatises upon the subject with which the press has teemed, in various countries, since the appearance of Adam Smith's *Wealth of Nations*. The nativity of the science is to be dated from that event, and the coincidence is to be remarked that it was contemporaneous with our Declaration of Independence in 1776. In assigning it this companionship, there is no extravagance. With Professor McVickar, of Columbia College, New York, who has done the country much service by a republication of McCulloch's article from the *Encyclopedia Britannica*, with excellent notes, we are of opinion that “ the ‘ high principles which this science teaches, entitle it to be regarded as the moral instructor of nations,’ and that, ‘ without incurring the charge of enthusiasm, it may be maintained to be the redeeming science of modern times—the ‘ regenerating principle that, in connexion with the spirit of ‘ Christianity, is at work in the civilized governments of the ‘ world, not to revolutionize, but to reform. The language of ‘ political economy is the language of reason, and of enlarged ‘ experience, blinded by no prejudices, drawn aside by no private motives, coloured by no sectional feelings, but holding ‘ singly and steadily the course of true patriotism, the common ‘ good of our common country. To the rising governments of ‘ America, it teaches wisdom by European experience ; and to ‘ all nations, it facilitates their approach to that indefinable limit of the perfectibility of man, which in every age has furnished the brightest visions to the patriot and philanthropist, ‘ and the strongest motives as the highest reward to the exertions of the wise, the benevolent and the good.”

The advances made within the last fifty-five years have not been more remarkable in the prosperity of our country than in the improvement of knowledge upon the subjects of social

economy. Among the causes which have retarded the former, ignorance of the latter has assuredly been the most efficacious. "In countries blessed with a representative form of government," says our author in the introduction to his work, for a translation of which we are greatly indebted to Mr. Biddle, "each citizen is under a much greater obligation to make himself acquainted with the principles of political economy; for there, every man is called on to deliberate upon public affairs." At this juncture especially, when the subject in all its fibres is stretched before the public for consideration, and before Congress for legislative action, no topic can be more apt or interesting, and we should be remiss, as public servants, in not reflecting light upon it from the best luminaries. That the writings of Say are of this class, and in this class pre-eminent, there is abundant testimony beyond our own. The established text books in all the universities of the continent of Europe, they have also been translated into English, German, Spanish, Italian and other languages; and the treatise has run through five editions in its native country, and four in this, where indeed is its proper market as yet. It should be one of the boasts of our nation that here is "ample room and verge enough" for the circulation of such a work; and we press it upon every American as an invaluable companion. Upon the matters of which it treats, of late years, a flood of information has been poured by our newspapers and other journals, but the argument is not spent, nor is all known that can be, else would not monstrous propositions, at the very moment in which we write, be flowing from the high places of our Wittenagemot.

The discussion which has been going on among us so long, so universally and so vividly, has struck out new lights, and challenged to the lists most able disputants, and of these none have done more in the good cause than the "Banner of the Constitution," published at Philadelphia. But to those who are sincerely desirous of obtaining just ideas in the best form, the work before us is chiefly to be commended. Even in this publication they will have occasion to see that the science is yet green and uncompact, and, if in setting out they admit their own ignorance, they may console themselves with the assurance that those who have mastered it are neither many, nor without reward. There is a lambent satisfaction on an ingenuous mind, at detecting and expelling an erroneous opinion, like the heated lightning which plays around the skirts of a vanishing cloud—there is a proud satisfaction with a quiet smile of easy victory, as of the Apollo Belvidere, in the consciousness of superior knowledge. These the student of political economy may en-

joy even at this day. "Cujus studium qui vituperat, haud sane intelligo, quidnam sit, quod laudandum putet." (*Cicero de Off. l. ii. c. 2.*)

Connected with this subject in its just sense, in the United States, there is another consideration investing it with a high wrought importance. Simply as a question of economy for an individual or a nation—of the acquisition and use of products of exchangeable value—it is of the greatest practical virtue, and entitled to the closest study of every benevolent or elevated mind. But as involving the powers of government under the Constitution in addition, it draws after it the keenest interest and deepest contemplation of the statesman and juris-consult. In this aspect, however, we will not now hold it up. Suffice it for the present to say, that if the power to interfere with the occupations of the citizen, even beneficially, were given to the government in the Constitution, it ought not to be there. We are not yet disabused of the cant about the "parental and fostering care" of government which has spread to us from the tyrannies of the old world. It is not, unless it be "*jure divino*," the legitimate vocation of any government to "protect, encourage or regulate" the industry of those by whom it was ordained. The interference of law in the production, distribution or consumption of individual wealth should be only so far as the inevitable bearing of the collection of revenue carried it. A naked power of taxation for revenue, it has been made the fulcrum for controlling all the rights and interests of the *subject*. It is an insult to our ancestors, and treachery to ourselves to allow that such a power was instilled, or abides in the Constitution. A thousand reasons might be given, in spite of implication, contemporaneous construction, or random opinions—why it is unwise, unjust, unnecessary, and despotic, and therefore unconstitutional; and in fine, almost every reason will apply, except perhaps that urged by Sheridan, as Moore, in his life, relates, against a tax on milestones. When this was proposed in his presence, Sheridan objected that "it would be unconstitutional, as they could not *meet together* to remonstrate."

That the treatise of Mr. Say is a perfect, or unexceptionable work cannot be pretended. Next to Dr. Smith's, however, it is the best extant, and the two together make all others at most but collateral. Indeed, the science itself has by no means attained to perfection. In his own words "this is reserved for the nineteenth century," and did it not seem like gasconade, we would gladly add, for our country. The prediction of the



ablest, and most sagacious writer among ourselves, however, warns us to be patient. His language is:

"I foresee that as the science of political economy becomes more cultivated, and better known throughout the civilized world, a system of free ports untrammelled by custom-house imports, and custom-house officers, will abolish the system now prevailing of indirect taxation on articles of consumption, and bring us to a system of undisguised direct taxation; but that day will not arrive for half a century at least. In the present state of knowledge I fear the public will not bear direct taxes."

In the few cursory remarks we can afford before advancing upon our main quarry, we will hastily point out some of the merits and defects which present themselves in passing. The style is throughout lucid and felicitous, but in other respects the work is rather unequal—upon some topics it is admirably reasoned, close, thorough, and conclusive—upon some it is jejune or hurried, while upon others more labour is bestowed than deserved, and in several instances subjects of paramount moment are but glanced at, or dealt with summarily. Undoubtedly, however, many of its errors or deficiencies are attributable to the immature state of the science, and most of them are common to almost all other writers in the same path. Wherever he has come in contact with his fellow-labourers, as in his controversies with Malthus and Ricardo, he unquestionably has been triumphant, and his strictures upon those of his predecessors with whom he differs are couched in a liberal tone, but result in complete refutation. There is much satisfaction in knowing that a focus exists in which all the rays of light scattered widely are condensed—that a recent summary and correct exposition of the many conflicting opinions upon a matter of primary concern is within our reach. Such is the treatise by Mr. Say which we have thrown into relief upon our canvass.

Mr. Say, as well as all other modern writers on political economy, makes the sources of wealth to consist in labour, capital and land. Certainly the creation of values does not depend solely upon labour, or human industry, as Smith and Galiani maintained, nor upon land, or other natural agents as the French economists insisted—but we can see no use in designating three ingredients, when strictly speaking there are but two—the labour of man whether mental or bodily, and capital whether it be houses, money, machinery, provisions, learning, or land—the subdivision only leads to confusion, and bewildering refinements. All capital is defined to be the accu-

mulation of antecedent products of industry—other natural agents, besides lands, as water courses, ponds, ancient lights and wind for mills may be appropriated, and with the laws of the physical world which govern them, they all enter into capital. They are obtained—are regulated in price by supply and demand—and are distributed, and consumed, in the same way as other values. Interest on money, and the rent of land are but the profits of capital, and the differences taken with regard to them lead only to such absurdities as usury laws, and ratios of rent as resulting from lands of different qualities. The value of agricultural products when they exceed the ordinary interest of other capital, enable one to be a tenant, and to pay rent; and so is it with all other species of capital of which from this cause we may become borrowers. Between the profit and rent of land, there is precisely the same difference as between the use and hire of a horse, or the interest and benefit of money on loan. Land is in the same predicament as any other raw material, and the cost of production affects the value, and the profits here as elsewhere when it is worked up by human industry. In this country we know full well that the wealth of a nation or individual, is not according to the extent of territory. This effort to segregate land from capital generally, is easily accounted for by its higher price in Europe, and by the habits of thinking entailed there through the feudal system under which it was alone esteemed as wealth. Hence the laboured essays on rent, long and short leases, and the comparative advantages of agricultural, manufacturing, and commercial labour which have been uselessly produced. Nor in this hemisphere are we as yet divested of those notions which clothe land with a peculiar and pre-eminent estimation, as is evident from the distinctions still kept up in the law between real and personal property. Were these abolished, more would be accomplished towards simplifying and compressing our jurisprudence, than any plan of codification we have yet seen has even promised.

The disquisitions in the writings before us upon the subject of money and banking, admirable in themselves, are additionally valuable at this moment to the American public. The working of the richest gold mines in the world now going on from the Potomac to the Tombekbee, and the proposition to recharter the Bank of the United States, bring them directly into play. Although the most common and interesting of all things, even at this day, money, whether in coin or paper, is with most persons a mystery, and a nest of the most erroneous

opinions. To assert that they may have too much money, to people in general would sound like nonsense, and it is difficult to satisfy them that it is no part of the machinery but merely oil on the wheels. Specie has like all other commodities its value from manufacturing purposes, and a superadded one as coin. In the latter capacity this value arises from its diminishing and simplifying exchanges—from assisting in the liquidation of balances—and from the facility of transportation—between nations metallic money is only valuable as bullion, because of the false system in use at their respective mints. Exportation of specie, against which we still hear an outcry, simply enhances the worth of what remains, and adds the product purchased in lieu of it to national wealth. Whenever it is cheaper than other commodities it will always be exported, and *vice versa*. Its utility as currency depends upon its value, and not upon its volume. The value of any coin is the intrinsic worth of the metal plus the coinage. If pure metal is coined it will be carried out of the country in that shape as most convenient. No more alloy should be infused than is barely sufficient to defray the seignorage. If it is adulterated beyond this grade, bullion will be withheld from the mint as of more value than the coin—all attempts to fix by law the relative value of gold and silver, although very common, must necessarily be nugatory. The ratio is usually estimated by supply as one to forty-five, and by demand as one to fifteen, but incessant variations must obtain because their real prices respectively must fluctuate with the cost of production, their relative with the amount of supply, and their nominal with denomination as money. In fact, the metallurgy of our gold region sets all calculation at defiance. It is by no means impossible that gold may become more common than silver. Throughout the world the monetary system is tainted with a gross fault. In coining, no other denomination should be given than what designates the quantity of pure metal—all others are arbitrary and unmeaning, and only serve to embarrass the operations of international commerce. Even in our own confederacy the evil is intolerable. Upon this subject we take pleasure in referring to Mr. Adams' very learned report on weights and measures presented by him to Congress while Secretary of State.

Between paper money and convertible paper the distinction is not sufficiently understood. The proposition to introduce the former into the country, was admirably put down by Mr. Sherman of Connecticut, in a pamphlet published in 1819, under the signature of "Aristides." Bank paper, such as now in use, is merely the representative of specie or money. Paper

money is money itself, or the equivalent, and derives that attribute from the authority of government under laws making it a tender in payment of debts. To banks in general we are wholly opposed, believing that the objects proposed by these chartered companies, would be more safely and cheaply attained by voluntary associations of capitalists individually responsible. The business of banking is no more difficult or meritorious than any other mercantile affair. Every one should be allowed to bank who chooses. To the Bank of the United States, so called by a misnomer, we have the further objection that it is unconstitutional. But against all of them we protest as monopolies created by law, than which nothing should be more odious to an American.

As to the advantages accruing from credit in mercantile or other transactions, we are inclined to differ in some degree with our author. Dealings in this way come in a great measure from habit, and if every one were compelled to husband in advance the means for making purchases, better economy would be the consequence. One great reason with us for advocating the abolition of imprisonment for debt, is that its operation will be merely to check profuse credits. Upon the subject of slavery we conceive the views in this work are very erroneous, but cannot now do more than refer as a corrective to Dr. Cooper's excellent Lectures upon political economy. With regard to absenteeism, we regret, that the matter has been rather slighted by Mr. Say, for it is really one of much difficulty. His remarks upon the effects of expenditure by absentees refer merely to the country whither, and not whence, and yet in the latter aspect were they chiefly wanted.

At pages 314 and 315, Mr. Say institutes a comparison between the benefits resulting to a country from industry engaged in agriculture, commerce and manufactures. So far as these speculations may serve as guides to the private citizen in selecting his pursuit in life they are very well, but when they are proposed as criteria by which the interference of government is to be regulated, they are very ill. Allowance, however, must be made for their having been penned under governments accustomed to regulate every thing for the subject, even to the cut of his beard, or the powder on his wig. Where freedom is justly understood and appreciated, they can have no application. The pragmatic encouragement of rulers is not to be tolerated. The remarks of the American editor in the note appended to this passage, are in every respect superior to the text upon which he comments. In the same spirit, and from similar causes Mr. Say in a subsequent part of his book

countenances taxes upon luxuries specifically. Apart from the difficulty of discriminating between necessities and luxuries, all sumptuary laws are so much misrule and quite nugatory. Mr. Prinsep, the translator, annotating upon the passage, justly condemns the proposition. At all events, in the United States, where the law of primogeniture is abolished, and the accumulation of great wealth in the hands of the government or its citizens, is alien to the habits, institutions, and opinions of the country, the subject of luxuries may safely be left to private consideration. So far as the use of luxuries affords a standard of income, they may be mixed up in the question of taxation, but beyond that they should be unnoticed except by the moralist. It is singular that Mr. Say should, on the other hand, have sanctioned that part of the British system—their execrable corn laws; and we cannot but regard this, with his translator, as a glaring inconsistency and blemish in his treatise.

Utterly denying that a free government has any right to intermeddle with the pursuits of its constituents, except so far as taxation for mere revenue inevitably and incidentally has that effect, we are to inquire by what rule a system of taxes is to be chosen and arranged. The acquisition and use of wealth is the concern of the individual, and it can in no instance be in better hands. The first canon of taxation registered by Dr. Adam Smith, in his great work, is “that the citizens of every State ought to contribute to the support of government, as nearly as possible in proportion to their respective abilities; that is, in proportion to the revenue they respectively enjoy under the protection of the State.” In other words, taxation and protection are relative terms. According to the benefit, in this respect, a citizen reaps in his person and property should be his contribution towards the maintenance of the power affording it, and that contribution ought to be equal and inevitable among all alike, so that one individual, one class of citizens, or one section of country may not be taxed beyond another.

This should be the rule even were the taxing power limited to raising an income for governmental expenses. How much more ought it to be the rule where taxation is resorted to for the additional purposes of retaliation and encouragement to manufactures. What is the operation of the tariff, having these three objects in view, in this respect as a system of taxation?

In but two characters do the community pay taxes, as producers or as consumers. Here, before proceeding further, we would define what is intended by the latter term, as otherwise

there may be confusion. The ordinary acceptation of the word consumption is synonymous with destruction. Writers upon political economy have uniformly and, we think, unfortunately used it to convey three distinct meanings, notwithstanding its limited sense in common parlance. According to them, values or products may be consumed destructively, or without change, or reproductively. Demand is not created by consumption but by production. We produce to buy, and buy to consume, but unless we do the first we cannot the two last. Our author defines consumption to be the destruction of utility. By his own shewing, however, this is illogical, for in permanent investments or reproductivè employment, the utility, or value in exchange, is not destroyed. A thing may be consumed, or destroyed by use, or it may not. The expenditures of ones income, or capital, may be upon objects immediately or gradually perishing, or of reimbursing and profitable qualities, or merely stationary or inert. Thus, in the first class, money spent for music or wine, in the second for land, and in the last for a side-board or plate, are the various categories of consumption—and yet it is only of the first that the term would generally be comprehended. The phrase, use, or employment, we should therefore prefer as a substitute more logical and intelligible.

Perhaps no proposition has in modern days been attended with so strong an effect as that, in our country, it is the producer who bears the chief, if not the sole burden of federal taxation. To those who were familiar with the pages of Mr. Say, it was no novelty when brought forward by Mr. McDuffie, one of the ablest and most effective champions of free trade this or any other country has produced; but in his masterly hand, it certainly was placed in a most commanding form. As a nice yet momentous question in political economy, and as calculated to evince the gross inequality and injustice of the tariff system, it is deserving of the most grave and candid consideration.

Certain it is that the intermediate agents between the producer and consumer, the sellers and buyers in *transitu*, the brokers, factors, merchants and manufacturers, whom Mr. Say denominates adventurers, pay no portion of the tax. As he has shewn at page 51, the successive advances made by them, including the cost of the raw material, are reimbursed out of the ultimate product, or abated upon the price paid to the first owner or producer. The merchant in no instance pays the duty, but indemnifies himself for it in the alternative of an advanced price on his purchaser, or an abated price on his seller. In an open market his natural and easiest course is the former,

but where the market is either shut up, or closely competed by domestic manufactures, his only resource is by falling back with a diminished demand, or price upon the grower of the staple for exportation.

It is somewhat remarkable that this point has been but seldom considered, and that the language of those who have written upon it is very indefinite and unsatisfactory. Mr. Cardozo, in his Notes on political economy, has said "whether taxes are laid on wages or profits, on necessities or luxuries, on income or capital, the burthen must fall eventually on all classes of *producers*. There can be no doubt that all classes of producers are finally affected in an equal degree, by every variation in the state of the demand and supply caused by taxation." And the language of Professor McVickar is, "Prohibitory duties to restrain importation operate primarily on the *foreign producer*, but eventually on the domestic consumer, being equivalent to a tax levied on the community, to the amount of the difference of the cost of production at home or abroad, and paid as a bounty to the domestic producer, to enable him to support the competition." The case of the planter of the raw material at home is by neither of them taken into consideration.

We find in the 35th number of the Federalist, by General Hamilton, some remarks of the first impression upon this now ripe topic. After observing that "the power of taxation is the most important of the authorities proposed to be conferred upon the Union," and that "there is no part of the administration of government that requires extensive information, and a thorough knowledge of the principles of political economy, so much as the business of taxation," he goes on in the following, at present very apposite and well to be noted, language:

"If the jurisdiction of the national government, in the article of revenue, should be restricted to particular objects, it would naturally occasion an undue proportion of the public burthens to fall upon those objects. Two evils would spring from this source—the oppression of particular branches of industry, and an unequal distribution of the taxes, as well among the several States as among the citizens of the same State. Exorbitant duties on imported articles serve to beget a general spirit of smuggling, which is always prejudicial to the fair trader, and eventually to the revenue itself. They tend to render other classes of the community tributary, in an improper degree, to the manufacturing classes, to whom they give a premature monopoly of the markets. They sometimes force industry out of its most natural channels into others in which it flows with less advantage. And, in the last place they oppress the merchant, who is often obliged to pay

them himself, without any retribution from the consumer. When the demand is equal to the quantity of goods in market, the consumer generally pays the duty; but when the market happens to be overstocked a great proportion falls upon the merchant, and sometimes not only exhausts his profits but breaks in upon his capital. I am apt to think, that a division of the duty, between the seller and the buyer, more often happen than is commonly imagined. It is not always possible to raise the price of the commodity, in exact proportion to every additional imposition laid upon it. The merchant is often under the necessity of keeping prices down, in order to a more expeditious sale.

"The maxim, that the consumer is the payer, is so much oftener true than the reverse of the proposition, that it is far more equitable that the duties on imports should go into a common stock, than that they should redound to the exclusive benefit of the importing States. But it is not so generally true as to render it equitable that those duties should form the only national fund. When they are paid by the merchant they operate as an additional tax upon the importing State, whose citizens pay their proportion of them in the character of consumers. In this view they are productive of inequality among the States; which inequality would be increased with the increased extent of the duties. The confinement of the national revenues to this species of imposts, would be attended with inequality, from a different cause, between the manufacturing and the non-manufacturing States. The States which can go farthest towards the supply of their own wants, by their own manufactures, will not, according to their numbers, or wealth, consume so great a proportion of imported articles as those States which are not in the same favourable situation; they would not therefore, in this mode alone, contribute to the public treasury in a ratio to their abilities. To make them do this, it is necessary that recourse be had to excises, the proper objects of which are particular kinds of manufactures. An importing and non-manufacturing State would, of course, suffer in a double light, from restraining the jurisdiction of the Union to commercial imposts." *Federalist*, No. 35.

Let us now turn to the works immediately in our front. From "the Catechism" we make the following quotations:

"The effect of taxes is the destruction of part of the products of society. This destruction takes place at the expense of those who are unable to evade or shift it from themselves. The producers and consumers pay the value of the products thus destroyed; the first, in not selling their products at a price sufficient to cover the taxes; the second in paying more for them than they are worth, but in proportions which vary with every article, and every class of individuals. We may also consider the impost as an augmentation of the charges of production. It is an expense sustained by the producers and consumers; but which while it renders the products dearer, does not augment the incomes of the producers, as its amount is not divided among them. Their expenses augment as consumers without their incomes increasing as producers: they are not so rich.



“Those who pay the impost endeavour to reimburse themselves at least in part from those who purchase the products in the creation of which the tax contributors have assisted. In this they seldom succeed completely; because they cannot do so without raising the price of their products; and a rise of price always diminishes the consumption of a product by putting it out of the reach of some of its consumers. The importer cannot raise the price so high as to recover back the amount of the taxes; for that purpose it would be necessary, that the same quantity of goods should be demanded, and sold, and that society should devote to their purchase more values than it had heretofore devoted to it, which is impossible. The goods consequently become dearer—their producers gain less—and the production declines—the impost then is paid partly by the producers, whose profits or incomes it lessens, and partly by those consumers who continue to purchase notwithstanding the dearness, since they pay more for a product which, in point of fact, is not more valuable.”

The planter of cotton, rice, and tobacco, is a producer in a two-fold capacity, either as an agriculturalist or commercially. In the former the impost affects him retroactively, as diminishing the price he receives for the raw material, and in the latter, according to the foregoing remarks, by lessening the demand for the manufactured article imported in exchange for that material. “The foreign goods,” says our text—in answer to a suggestion that by consuming a domestic product we encourage national industry—“are equally products of the national industry, since they are products of its commerce.” And this, we take it, is a complete answer to the *ad captandum*, but absurd pretext of the American system in appealing to patriotism in behalf of domestic industry.

It will hardly be contended we judge, that the southern planter does not suffer as an importer, by duties which diminish the demand for the goods he produces in raising and selling his crops. Our object is to shew further that he also suffers as the producer of the raw material both in the quantity he sells, and the price he obtains. To this issue we earnestly invite the attention of every liberal inquirer after the truth, to the eighth chapter of the Treatise before us, book 3d, upon the subject of taxation in general, and particularly to the second section of that chapter wherein the author treats “of different modes of assessment, and the classes they press upon respectively.” At present we can do no more than furnish forth a few extracts bearing upon this point, and inequality of taxation in general.

“Government is not more deeply interested in moderating the ratio of taxation, than in its impartial assessment upon every class of individual revenue, and its equal pressure upon all. When taxation reaches towards the extreme limits of the ability of some classes, while others

are scarcely touched at all, it becomes vexatious and destructive. The burthen is galling, not because of its weight, but because it does not rest upon all shoulders alike.

"The original payers of the indirect tax are not the parties really charged, but merely advance the tax, and continue to get indemnified wholly or partially by the consumers. But the rate of indemnity is infinitely diversified by the respective circumstances of the individuals. When the taxation of the producers of a specific commodity operates to raise its price, part of the tax is paid by the consumers of the commodity. If its price be nowise raised, it falls wholly upon the producers. When a commodity is in great request, the holder will not part with the possession, unless indemnified for all his advances, of which the tax he has paid is a part—he will take nothing short of a complete and full indemnity. But, if any unlooked for occurrence should happen to lower the demand for his product (as for instance the competition of the domestic manufacturer) he will be glad enough to take the tax upon himself for the purpose of quickening the sale. Taxation always falls upon those who can find no means of evasion, for every one naturally tries to shift the burthen off his own shoulders if possible. Of the concurrent producers of a specific product, some can more easily evade the effect of the tax than others. The capitalist, whose capital is not absolutely vested, and sunk in a particular business, may withdraw it, and transfer it elsewhere. Not so the land-owner and proprietor of fixed capital. By laying a tax upon the consumption of woollens, their consumption is reduced, and the revenue of the wool grower suffers in consequence. It is true, he may take to a different kind of cultivation; but we may fairly suppose, that, under all the circumstances of soil, and situation, the rearing of sheep was the most profitable kind of culture, otherwise he would not have chosen it. When the value of a product is partly of foreign, and partly of domestic creation, the domestic producers bear nearly the whole burthen of the tax. Where the tax falls partly on the consumers, and partly on the producers, the effect is analogous to that of gun-powder, which at the same time propels the bullet, and makes the piece recoil."

Our author's simile of a gun when discharged is a happy illustration of the whole subject. If the muzzle is perfectly open the effect is simply as described. But if it be obstructed, the recoil or kick of the piece must be in proportion to that obstruction. Did the southern planter, or the merchant in his stead, upon importing foreign goods, find the American market perfectly open, he could discharge the whole of the duties upon the consumer. But meeting with a point-blank obstruction in the untaxed competition of the domestic manufacturer, the load of taxation is principally, if not wholly, thrown back upon the grower of the raw material of which the imports were the products. There results a diminished demand for the quantity of his bales, tierces, or hogsheads, and the merchant

indemnifies himself moreover against these import duties which he thus cannot visit upon the consumer, by abating in the price he pays the planter, who has no escape, even in a change of pursuits, short of emigration. How far this monstrous inequality of taxation, under our government of just laws and uniform operation, extends, may be estimated from the following data. Almost the whole federal revenue comes from duties upon imports. Those imports are the products of commodities exported. Two-thirds of all the exports of the Union flow from the Southern States, South-Carolina alone supplying eight millions of dollars annually. With M. Say, we ask here "what avails it, that taxation is imposed by consent of the people or their representatives, if there exist in the state a power, that by its acts, can leave the people no alternative but submission?"

We were about drawing these remarks to a conclusion when a late number of a contemporary journal fell under our eye. The article upon "*the Two Conventions*" embraces, and sanctions the whole American system—the protective principle of the tariff, both as constitutional and expedient, and the exaction of a surplus revenue for internal improvements, charitable institutions, and light-houses in the sky. Differing *toto cælo*, it is but reasonable and fair, that we should avail ourselves of this opportunity to express our own opinions.

The writer assumes in "peremptory roundness of phrase" that the question of the constitutional power of Congress to protect manufactures has been finally settled. If this be the case, as he justly remarks, "the opposition to the protective policy has lost its sting," and those reprobates the nullifiers are irretrievably *hors de combat*. To a dispassionate observer, one who is a mere "looker on in Venice," studiously forming opinions upon all matters of interest, but seeking neither preferment nor reward by promulgating them, the heat and animosities that have arisen in the discussion of a question of constitutional law, have caused as much surprise as regret. If the doctrines of those who advocate the State veto as an integral part of our federative system are erroneous, to denounce them as "extravagant and pretensions," if it be an effective, is at all events a discourteous mode of putting them down. Nor will it do to stigmatize their proposition as "a newly discovered remedy," and in the very next sentence, quote, as does this article, the Virginia Resolutions upon which it is based, and which are nearly as old as the Constitution itself. But let us examine the grounds given for asserting that the constitutional question is at rest. The first is, that the argument on

it is the feeblest part of the Philadelphia Address. This we admit; but we remark, in addition, that the point therein made, is also the feeblest in the whole constitutional argument. It simply was, whether a law of Congress could not be so framed as to elude the cognizance of the Supreme Court, although unconstitutional. Were a party in court to be told that the argument of his counsel on a plea to the jurisdiction was very feeble, and that, *therefore*, his case had no merits, or was decided against him on the merits, his informant would be just as logical as this reviewer. The next ground is that the address of the New-York Convention, and Mr. Verplank's letter to Col. Drayton, are upon this topic "unanswerable." If the reviewer has read no other argument on the other side than that contained in Mr. Berrien's address, as we doubt not is the fact, he may well believe these productions unanswerable. But we can assure him that every point made in them has been long ago fully considered, and again, and again wholly refuted in some of the ablest publications that have ever graced the press of this country, but which can find no bridge across the Potomac. A full argument of the constitutional objection was not made in the Convention at Philadelphia, least the whole enterprise should be lost on one particular; the great majority of the members forbearing on account of the diversity of opinion in this respect, which they are aware prevailed;—and this difference of opinion, says the journal in question, "places the question beyond dispute." When Mr. Webster, in 1824, doubted of the constitutionality of the tariff, did this diversity settle that it was unconstitutional? And, by the way, can the reviewer furnish a more racy sample of that "vapouring and violence" of which he speaks, than is to be met with in that gentleman's speech against the duty upon molasses?

That "courts of justice have decided in repeated instances" in favour of the constitutionality of the protective principle, is to us, (lawyer though we be) news quite fresh. We remember an *obiter dictum* to that effect by a district judge in New-York, but of any decided cases, we are yet to be advised; and indeed, how the point is to be made for decision, or how it is to be adjudicated, under the false and fraudulent title of the tariff act, we are at a loss to understand. Certain it is, that our legislature at their last session considered it necessary to pass a special law *pro hac vice*.

Equally unfounded is the assertion of the reviewer that, the general principle laid down by all the writers on political economy from the time of Adam Smith and Alexander Hamilton, to the present day, is as follows, "the protecting duties, by ex-

cluding the foreign article, and encouraging the protection of the domestic one, which can be furnished without any charge for transportation, reduces the price, and supplies the consumer at a lower rate than before." Unless we have most ignorantly read these writers, precisely the reverse is their language. We should like exceedingly to see chapter and verse for this doctrine. But, in truth, the proposition carries its own refutation within itself. If, notwithstanding that, "the domestic article can be furnished without any charge for transportation," it needs encouragement by government, manifestly it cannot be supplied at a lower rate than the foreign. It is a disgrace to the American manufacturer that with all the natural advantages he enjoys, operating in themselves a high protection, the foreigner can beat him, and that he must barter his freedom and the peace of his country, for help by taxation. To support this position the reviewer alleges that "every article which has been made the subject of a protecting duty is now sold cheaper than it was before the duty was imposed." He should have added, "whether that article is British or American." For certainly our tariff must have protected the British manufacture too, else their prices have remained stationary, and not being able to undersell us, we have no need of a tariff.

It is also denied that our revenue has decreased as was predicted. Because we have the same revenue now, with a population of twelve millions that we had when our people numbered nine millions, therefore, the income of the public arising from the consumption of its members, is stationary! Heretofore we had regarded it as a settled axiom that the revenue of government decreased with the increase of taxation, because it diminished the means of consumption, and consequently the number of articles imported subject to duties, and that the tariff costs more than the mere duties, inasmuch as it costs all of production that it has stayed.

An attempt is made in this article to get over the fatal objection, that the tariff operates as a tax more heavily on the poor than the rich. The ingenious suggestion made use of is, that by taking the duties from silks, teas, spices, wines and articles of that description, you bring them within the reach of the labouring classes. The settler, perishing in the cold for want of a blanket—the traveller, benighted, with a horse foundered, for want of a shoe—the farmer eating an unwholesome meal for want of salt, is to be fobbed off in this way with a reversionary hope in the *paulo post* future of taking a cup of bohea, but without sugar—of wearing a pair of silk stock-

ings to suit his homespun trowsers, and of quaffing real Mar-  
eschino, or Schloss Johannisberger, in an earthen mug!

We little expected to see in the same number a review of that capital book "the Workingman's Companion," in a commendatory strain. Upon this hint we hope soon to witness a favourable notice of Sir Henry Parnell's Work on Financial Reform, or Senior's Lectures, or even Franklin's Essays. The cry of those who are opposed to labour-saving machinery is the same as with those opposed to free trade, "Great is Diana of the Ephesians!" Every argument used by the populace in England for the protection of human industry against that of machinery, is exactly applicable, and is used almost verbatim in favour of domestic industry against foreign, and they are all to be refuted in the same way, and for the purpose we desire no better champion than this same "Workingman's Companion."

The long extract with which we are favoured from Mr. Everett's oration, could not but bring to our recollection the able articles from the pen of that accomplished scholar which used to appear on the other side in this identical Review. When we heard the account given of the South, and the profits on its industry in that gentleman's speech, we were forcibly reminded of the worthy personage, who, while reading Gulliver's Travels, gravely took down the map to satisfy himself of the localities. Our credulity did not extend so far, and the contrast between his description and the reality made us melancholy indeed. The orator, in his present opinions, is as far wrong as he used to be right, and in the information he received of the state of things in these parts he was sadly quizzed.

The payment of the national debt presents a momentous juncture in our national affairs. The whole financial system of our country is to be remodelled. Against the protective principle we are utterly and irreconcilably opposed. The plan of Mr. Clay and Mr. McLane to retain the duties upon all articles which come into competition with domestic manufactures we regard, as in principle at least, worse than the present "bill of abominations." Entertaining for the latter gentlemen an exalted opinion, we regret he further proposed the granting of bounties as a part of the scheme—of these the only operation is to make the goods cheaper to the foreign consumer. There are four modes in which the revenue of the general government may be collected, not exceeding ten millions. 1st, By farming the public lands. 2d, By direct taxation. 3d, By duties of a uniform per centage ad valorem, levied upon every thing brought into the country, and lastly

a discriminating tariff for protection. Of the first the Western States will not allow. The second will prevail when we are wiser than in these days. For the third, as the best practicable, we should be willing to vote; but the last, in the words of Manfred to the Evil Spirit, we "defy, deny, spurn back and scorn."

This should be considered, as it is virtually, and ought to be exclusively, a question of taxation, and in this connexion we quote the words of Burke, "Charters are kept when their purposes are maintained—they are violated when the privilege is supported against its end, and its object." Whatever may be the result of the deliberations now in progress at Washington, we are proud as Americans in the belief that for the worst evils under our government, there is, as there ought to be, a remedy short of secession—redress without revolution—that while on the one hand there need be neither riot, treason, nor rebellion, on the other there can be neither legislative excommunication, nor military coercion. For all the grave doubts, and heated disputes, the many causes of discontent and discord, the gathering excitement and danger prevalent in the country, we have a certain cure in the obvious recourse of calling together the highest council of the nation. The time has arrived for a Convention of the States to amend the Constitution in the following particulars.

1st, To settle definitively the powers of the general government, and the rights of the States.

2d, To determine what power of coercion the general government has over the States, and whether a State has or not a veto upon an unconstitutional act of Congress.

3d, To insure the election of President, in all cases, to the people.

4th, To limit his term of office to one period.

5th, To revise the 25th section of the judiciary act and fix the jurisdiction and process of the Supreme Court.

6th, To organize, or declare the tribunal for the decision of disputes between the Union and a State.

7th, To yield or deny to Congress the power of chartering a bank, and of granting incorporations.

8th, To pass upon the constitutionality of the tariff, and of the principle of protection.

9th, The same as to the system of internal improvements.

10th, To liquidate the existence and disposition of a surplus revenue.

11th, To define and limit the purposes and power of appropriating money by Congress.

12th, To decide upon the right to, and jurisdiction over the public lands, or the disposition to be made of them.

13th, To abolish the distinction between duties upon exports and imports, and to establish a system of federal taxation which shall be equal and inevitable, as between individuals and sections of country.

14th, To conclude upon the rights and relations of the Indians.

15th, To afford greater security to the peculiar property of the South, and

16th, To arbitrate whether the general government can by treaty or umpirage, curtail a State of its territory.

The acting editor of this Journal thinks it due to himself to add to the preceding article a few remarks (and our space requires them to be *very* few,) upon the vexed question discussed in it.

The general doctrine laid down by M. Say—with most guarded caution, however, and all requisite qualification—is not to be disputed. Every tax has a tendency—greater or less, according to circumstances—to diminish consumption and, consequently, production, and every tax-payer does pay in his capacity of producer—of the article taxed, or of some other—as well as in his capacity of *consumer*. But to ascertain or even to approximate, the truth in any given instance of taxation—to shew how far the tax payer is burthened as producer, and how far as consumer is a matter of much greater difficulty. Generally speaking, it is the consumer *as such* that pays by far the greater portion of the taxes levied upon a country. The experience of every man will satisfy him of this—the whole controversy about regulations of trade between these states when colonies and the mother-country turned upon this assumption—and M. Say is far from having affected to dispute a position so indisputable. On the contrary, he takes it for granted every where, that as a general rule, the main burthen of all taxation falls upon the consumers as such, and when he speaks of its affecting them as producers also, he means (generally) to say that a portion of their incomes which would otherwise be laid out in *re-production*, is wasted in untrifly and unprofitable consumption in consequence of high prices occasioned by taxation. Thus he speaks of consumers as a class “comprehending every description of producers whatsoever.” (p. 30.) He complains of the whole system of protection, as no less deceptive and illusory to those whose interest it is intended to promote, than oppressive to all the other classes of the community—“that it wrongs the consumer, without giving to the domestic producer, a profit equivalent to the *extra-charge* upon the consumer, for competition soon brings that profit down to the ordinary level of profit and the monopoly is thereby rendered nugatory.” (p. 106.) The reader will find the same obvious and until recently, undisputed posi-



tions, in various other parts of that valuable work, e.g. pp. 60, 92, 121, 294, 427, 434.

Such is the general rule—but how far in any particular instance of taxation the producer or seller of any article, shall be able to indemnify himself by an increased price, and shift the burden upon the consumer, depends upon various circumstances, not always to be satisfactorily ascertained. One thing, however, may be affirmed with confidence, that there is no colour for saying that the author under review has laid down any such proposition, or gives countenance to any such proposition, as that, of a whole tariff of duties levied indiscriminately upon *imports* the greater part (much less the whole) of the burthen, falls upon the producers of the exports given in exchange for them. Take this case, for example. “The duty on the import of cotton-wool into France was, in 1812, as high as 1000 francs *per bale* one bale with another. There were several manufactories averaging a consumption of two bales *per day*: and as the amount of duty was a dead outlay, during the whole interval between the purchase of the raw-material and the realization of the manufactured products, which may be taken at twelve months, they must each have required an additional capital of 600,000 francs more, than would have been requisite but for the tax: the interest of which they must have charged to the consumer or have paid out of their own profits. The whole of it was so much *addition of price to the French consumer*,” &c. (p. 434.) and in a paragraph of which a sentence is quoted in the preceding article, he puts another case which deserves to be recommended to the consideration of our political economists. “A tax upon cottons in France will reduce the earnings of her cotton manufacturers by lowering the demand for their product; thus, part of the tax will fall on them. But the wages of the productive agency of the cotton growers in America will be very little affected indeed, unless there be a concurrence of other circumstances.” So again, “each concurrent producer is affected by a tax on an article of consumption, in proportion only to the share he may have in raising the products taxed.

“A duty of entry upon the wine into towns, falls heavily upon the wine-growers; but an exorbitant excise upon lace will affect the flax-grower in a degree hardly perceptible,” &c. (*Ibid.*)

So much for the authority of M. Say, which, it is humbly conceived, ought not to be vouched in support of the proposition to which we refer.

What is that proposition? It is as follows:—

The whole income of the people of the United States is set down by Mr. Everett with the assent of Mr. M'Duffie, at some three or four hundred millions. This is political arithmetic and so not to be at all relied on. But certain it is that the income of this whole people is very considerable—and that income is their means of supplying themselves with the luxuries and comforts of life, whether fetched from abroad, or produced at home. Of this immense sum, eighty millions, we shall say, are the amount of products for which there is a demand in foreign countries and which can be transported thither, and thus serve as a medium of exchange and perform the function of money.

The producers of the greater part of these privileged commodities live in a particular section of the country. But the consumers of the commodities received from foreign countries in exchange for these exports are *all* the producers of the whole three or four hundred millions. A tax is imposed upon the foreign commodities so consumed, and now the question is whether, that whole tax falls exclusively upon the producers of the privileged articles, which serve as a medium of exchange—upon the eighty millions of exports namely—or upon all the three or four hundred millions laid out in consumption of one sort or other indiscriminately?

Put the case: A single person is general proprietor, or landlord, of the city of New York. His rental would, we shall say, be some ten, fifteen, or, it may be, twenty millions yearly. His tenants, as every body knows, are a most luxurious and extravagant race of people—consuming, of foreign or taxed products, especially of the dearer sorts, out of all proportion, more than any of their neighbours. They *will* have them—abstinence is out of the question—their demand for foreign merchandize is the most *effective* that can be imagined. How is their great landlord, who is, of course, an importing merchant, to exchange his rents for foreign merchandize? He must contrive to exchange them, in the first place, for the gold of North-Carolina, (if they were not paid in *specie*,) or the cotton and rice of South-Carolina. These are his *media* of exchange; he cannot dispense with them, if he mean to import any thing, and import he will, because the market, in a growing and prosperous country, is every day becoming better, and the *demand* more unappeasable. He goes to England and buys his goods—but their value is diminished by a tax levied on them when he returns with his cargo. Now upon whom does the weight of this tax fall? Upon the planter or gold-digger who supplies him with the medium of *exchange*? or upon him who cannot dispense with that medium, or upon those who will have and consume his merchandize, if it be possible? The answer to this question should seem to be obvious enough. No one who reads Say attentively, it is thought, would hesitate to affirm that the very last class upon whom such a tax would fall, would be the producer of the medium of exchange, and the very last article seriously affected in its price, by such a tax, would be the cotton or the gold.

A fundamental error seems to be involved in this theory. It is the exploded notion of the French economists—which has been steadily pursued in the policy of most European governments—that the wealth of a nation depends not upon the sum total of its productions, but upon the amount of its sales to foreign countries. M. Say justly remarks, that one of the most important portions of Dr. Smith's work is devoted to the refutation of this theory. And the same writer, speaking of Poland, observes—"Poland herself, which exports at the rate of ten millions of wheat annually, and therefore, according to the economists, takes the sure road to national wealth, is, notwithstanding, poor and depopulated: and why? Because she confines her industry to agriculture, though she might be, at the same time a commercial and man-

ufacturing State." (p. 9.) The fund laid out in consumption, is the whole produce of the land and labour of a country, and nothing can be more chimerical than to suppose (as some of our politicians seem to do) that the rich States, north of the Potomac, have not wherewithall to buy foreign commodities, because they are obliged to procure a medium of exchange elsewhere. The cornfields of Holland were in Poland and she paid for its wheat in East and West-India produce. All this and a great deal more, was the fruit of her navigation and her commerce—for agriculture she had none.\*

Another error in the theory alluded to is to overlook the important effect which *savings* have in counteracting the effect of taxation. This is so great that Mr. Say (p. 431) speaks of a tax which produces such an effect, as any thing but an evil. The consumption of every nation—even the most industrious and commercial—is, to a greater or less degree, unthrifty. A portion, more or less considerable, of its income, which ought to be laid out in reproduction, that is to say, in increasing its capital, is wasted in mere luxury and profligacy. If in consequence of a new tax, this portion is saved for more useful purposes, as it sometimes is, no harm, in an economical point of view, but some good may be done by it. Such taxation is not to be justified in its *political* aspect, but still it is not an uncompensated evil. So, if an impost be laid on a favourite article of consumption, the consumer will save from his other expenditures enough to indemnify himself against the increased expense. If broad-cloth is doubled in price, he will wear, it is probable, as many coats as formerly, but he will not go so often to the theatre, or he will not pay so high a rent, &c.

Had the present tariff been imposed in 1816 it would have had no effect whatever on the price of cotton-wool—so great was the demand for the raw material. But since that time the markets of Europe are fully supplied (to say the least) and our unjust restrictions upon trade, no doubt, affect the Southern planter in some, though a very slight, degree as a producer.† This tax, added to that which he pays as a consumer, (though together falling very far short of forty, or even twenty per cent. on his income) are too onerous to be tolerated in a free government. The condition of the Southern country besides, is such as to make this burthen less bearable here than any where else. From various natural causes that condition is eminently unprosperous: and if it be true, as Mr. Say remarks, (p. 108,) that there is in general too little attention paid to the serious mischief of raising prices upon consumers, the observation was never so applicable or so forcible as in our case.

The industry of the Southern States—Carolina, Georgia, Alabama especially—is confined to the cultivation of a few great staple commodities. They are supplied from their sister States with almost every thing that enters into their daily consumption: and it is in this way,

\* The greatest aggregate revenue which any nation enjoys, says Mr. Say, is that of China, since it maintains the most numerous and dense population. (p. 315.)

† Increased consumption, it is true, would soon lead to increased production, and that—such is the fertility and extent of the cotton growing country—to a fall in prices, as they fell in 1822 and 1823 before the first tariff of protection, *eo nomine*—but we have a right to our chance.

that those States are enabled to procure the cotton, rice, &c. required for the exchanges of foreign commerce. The great bulk of the articles upon which a Carolina gentleman of large fortune, whose expenditures are at all liberal, lays out his income—including the prodigal waste of absenteeism—are Northern and Western products—articles of the description alluded to in the following observation of M. Say—an observation of great importance in itself, but unhappily not quite applicable to our situation. "But even in this point of view, the exclusive system is pregnant with injustice. It is impossible that every class of production should profit by the exclusive system, supposing it to be universal, which, in point of fact, it never is in practice, though possibly it may be in law or intention. Some articles can never, in the nature of things, be derived from abroad; fresh fish, for instance, or horned cattle—as to them, therefore, import duties would be inoperative in raising the price. The same may be said of mason's and carpenter's work and of the numberless callings necessarily carried on within a community—as those of shopmen, clerks, carriers, retail dealers and many others. The producers of immaterial products, public functionaries and fundholders lie under the same disability. These classes can none of them be invested with a monopoly by means of import duties, though they are subjected to the hardship of the monopolies granted in that way to other classes of producers." (p. 110.) Even butcher's meat from New-York is sometimes sold in this city and from the most important products of art and industry down to the coarsest and most humble, through all their imaginable varieties, this State pays for what it consumes, and that, with two and only two commodities—cotton and rice. How much of its annual income is added to its capital, and goes to swell the products of its land and labour—it is hard to say. Subject to a perpetual drain by absenteeism and emigration—buying every thing and paying dearly for whatever it buys—it is feared that its annual savings are very little. By the operation of natural causes—such as the geographical and political connexion between the South and North, the comparative unproductiveness of slave-labour, at least, in trades requiring skill, climate, &c.—the manufacturing States, have, without the interference of the government, immense advantages over us in our mutual intercourse. We stand towards them in the same relation as Poland towards Holland, and even a worse. But surely that is no reason why a most onerous system of taxation should be added to the evils inseparable from our condition, and that, because we have one sort of product which they have not, we should be *compelled* by our government to let them in for a larger share of that, than they would at all events have.

We need not add, that when we speak of our whole consumption being supplied from the other States, we do not forget that we import a good deal from Europe. We refer, particularly, to that immense mass of products, of which the greater part, ought to be, and, in most countries, is, as Say remarks, furnished by domestic industry.

## ADDENDA.

By accident the subjoined addition to the Note at page 338 in the article upon *Griffin's Remains*, was omitted.

"What we have said of the *abuse* of Cæsura is equally applicable to other prosodial figures, synalæpha, ecthipsis, &c. These are *poetical licenses* to which poets only are entitled; they are inadmissible in the crude productions of school-boys. Exceptions are not rules. What would be boldness in Pindar, is mere impudence in the writer of such verses as are here under consideration, and, under proper instructors, would never have been attributable to Mr Griffin. Of him we delight to form a more favourable estimate; for, judging by the portrait prefixed to these volumes; by the character given by Dr. M'Vickar; and by various specimens of his *prose* works, we do not hesitate to believe and to say that he was, in the most enlarged sense:

"Iugenui vultus puer, ingenuique pudoris."

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### *Note by the Editor.*

Owing to the absence of the Editor, many errors crept into the article on *Canal Navigation and Fluids* in our Fifteenth Number. The able writer of that article has already published a list of them in a daily journal.

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In correcting the press, "high" was inadvertently substituted for "low" at page 300, line 8.

In the same article the reader is requested to add the *e* wherever it is wanted in "Piræus"

At page 431, "admonishes" for admonish.

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